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# AUTOBIOGRAPHY AND DIARY

OF

MR JAMES MELVILL.

M.D.LVI.—M.DC.X.

VOL. II.

0

THE WODROW SOCIETY,

INSTITUTED MAY, 1841,

FOR THE PUBLICATION OF THE WORKS OF THE FATHERS AND EARLY  
WRITERS OF THE REFORMED CHURCH OF SCOTLAND.

THE  
AUTOBIOGRAPHY AND DIARY

OF

MR JAMES <sup>Melville</sup>MELVILL,

MINISTER OF KILRENNY, IN FIFE, AND PROFESSOR OF THEOLOGY  
IN THE UNIVERSITY OF ST ANDREWS.

WITH A

CONTINUATION OF THE DIARY.

EDITED FROM MANUSCRIPTS IN THE LIBRARIES OF THE FACULTY  
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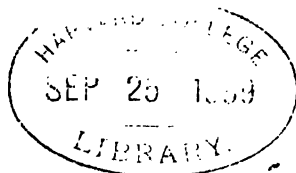
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ROBERT PITCAIRN, ESQ.  
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fordar, was injoyned to tham, ather to find out the principall offenders, and mak thair proces cleir, that ther rest na thing but execution befor the last day of this instant, or els the provest, bailies, deacones, and counsall, representing the hail bodie of the town, till enter thair persones in warde, within the town of Perth, upon the first of Februar next, ther till underly the law for the said treasonable uproare, and for thair letting to libertie of Mr James Balfour, efter his apprehensioun.

*Item*, The Sessioun to be transported to Perth, ther to sitt the first day of Februar nixt, and his Majestie and the Checquer to remain till then at Lithgow. The Commissars and Shireff Court to sit at Leithe.

At the sam Conventioun was read on a<sup>1</sup> day bot thrie billes : An of the Erle of Hountlie's, an uther of the young Lard of Bonitone's, and the thrid of the Lord Sachar's,<sup>2</sup> thrie excommunicat Papists. In the twa first, Aberdein was chargit to heir thair offers, and, finding tham agriable to the law of God, conscience, and quietnes of the realme ; to accept tham, and to releive the compleaners of the sentence of excommunicatioun ; utherwayes, to compeir befor the Counsall within fifteen dayes thairefter, and schaw a reasonable cause why ; with certificatioun, in cais of failyie, letters sould be direct to charge tham simpliciter thairto.

And last, ther was apointed a number to sitt in everie quarter of the town of Edinbruche, and examine sic as they pleasit, or sould be giffen in row<sup>3</sup> to tham. Of whase dispositionnes ther was wryttin monie quarres<sup>4</sup> of paper, and yit amangs all nocht sa mikle fund as might justlie mak a man, to let be a Minister, suspitiuus of anie conspiracie or for-devysit uproare, that could publiclie be punishable.

The King, finding this vantage and occasioun, pousses fordwart the sam to the conquering of the libertie, bathe of the Kirk and Borrowes, within this land ; and publisses in print a number of Questiones, wharby he calles in dout the hail discipline and ordour of

<sup>1</sup> One.<sup>2</sup> Sanquhar.<sup>3</sup> Roll, list.<sup>4</sup> Quires.  
2 B

the Kirk, ordeaning the sam to be disputed and concludit in a solem Conventioun of the Kirk and Esteattes of the Realme, to be conveynit be him at St Johnstoun, about the end of Februar.

Wharfor the Synod of Fyff, cairfull of thair dewtie at sa neidfull a tyme, convenit at Cowper the 8 of Februar, ordeanit every Presbyterie to nominat and direct twa of thair maist discreit, wyse, and resolut breithring to meit within the citie of St Androis, upon the Munday efter the xxj. of that instant, thair to confer, reasone, and resolve, with comoun and uniform consent, on maist solid and substantius answers to be sett down in wryt, verie schortlie, for resolution of the King's Questionnes.

Also, efter earnest incalling<sup>1</sup> of the nam of God, and grave and weghtie consideratioun of the dangers the hail estate of the Kirk might fall into, if the government thairof, manie yeirs ago established be the Word of God and lawes of the countrey, and peaceable practise, accompanied with a rare blissing of sinceritie and concord, voide of all errour and schisme even unto this day, sould be now callit in controversie, and brought in doutfull and uncertain reasoning amangs men unskilled in the Scriptur and Kirk effeares, without the advys of a Generall Assemblie, or anie inferiour Assemblie of the Kirk, namlie, at sic a tyme when the notour<sup>2</sup> enemies thairof ar, efter sa lang preparatioun, now in full readines to accomplis thair attemptats, to hir utter overthrow ; the Synod did nominat and ordean certean of thair maist grave, godlie, and discreit breithring, to wit, David Fergusone, Mr Thomas Buchanan, Mr Robert Wilkie, Mr Robert Durie, Mr Wilyeam Scot, Mr Thomas Dowglas, and Mr Jhone Fearfull, to pas from the present Assemblie in Commis-sioun to the King's Majestie, and in all humble reverence and dewtifull maner, be all guid arguments and reasones to travell with his Majestie, that this apointed Assemblie, at Perth, may desert and be left of, or at leist be prorogat and continowit unto the tym the last apointed Generall Assemblie be the hail Kirk, with consent of his

<sup>1</sup> Invocation.

<sup>2</sup> Notorious, well-known.

Majestie's Commissionars, according to the act of his Majestie's Parliament, convey in St Androis in the monethe of Apryll nixto-come, and giff thair advys anent His Majestie's Intentionnes and Purpose, published in print; declaring to his Majestie in speciall, that na Presbyterie hes powar to giff commissioun to anie of thair breithring to cast in questioun or put in dout the determinationnes and conclusionnes of a Generall Assemblie, na mair nor a particular brouche<sup>1</sup> may call in controversie his Majestie's actes of Parliament: Sa that, whowbeit the Presbyteries sall direct thair Commissionars to his Majestie at Perth<sup>2</sup> at the day appointed, for testifeing thair dew obedience, they can on na wayes com instructed for the purpose mentionat thairin, to put in questioun or alter anie constitution of a Generall Assemblie.

In lyk maner, that it wald pleis his Majestie to relax the Ministers of Edinbruche from the horn, and repon tham again in thair awin rouses; as also, Mr David Blak to his awin charge in St Androis; certefeing his Majestie, that he can do na thing mair to the contentment and winning of the hartes of all the fathfull and godlie of this land at this present tyme.

And fordar, to beseik<sup>3</sup> his Hienes nocht to suffer anie thing to be published in print anent the proceeding of maters betwix his Majestie and the Kirk of leat, having thairin a speciall cear of his Majestie's honour and estimatioun, quhilk can nocht bot be imparit among the godlie and sincere professours in all realmes, if our controversies com in thair hands.

The said Synod also condisendit upon certean Instructionnes to be giffen to the Commissionars, to be chosin be thair Presbyteries, to keipe the appointed dyet be the King at Perth, as followes:

<sup>1</sup> Any more than any single or particular burgh.

<sup>2</sup> "Nota.—The King wrot to all Presbyteries throw the cuntry to send thrie of ther number to the Assemblie apointed at Perth." This has been added by the Author on the margin of the Manuscript.

<sup>3</sup> Beseech.



INSTRUCTIONS GEVIN BE THE SYNOD OF THE PROVINCE OF FYFF TO THE COMMISSIONARS, TO BE CHOSINE BE EVERIE PRESBYTERIE WITHIN THE SAID SYNOD, TO GO TO THE CONVENTIOUN APPOINTED BE HIS MAJESTIE AT PERTH ; THE QUHILK THE SAID SYNOD ORDEANIT THAM AND EVERIE AN OF THAM PRECEISLIE TO KEIPE,

“FIRST, yie sall schaw that yie ar com for obedience to his Majestie, and nocht for that yie acknowlage that to be a lawfull Generall Assemblie, be reasone it was nocht apointed be the last Generall, nor convocat be the advys of the Commissionars of the last Generall Assemblie, as hes bein the practise of the Kirk at all tymes befor within this realme, warranted be the Word of God and lawes of the countrey.

“*Item*, yie sall schaw that yie may nocht condisend in anie wayes to the reasoning or putting in questioun the maters of the Polecie of the Kirk ; because the Generall Kirk of this realme, to quhilk yie ar subject, hes alreadie determined the saming ; quhilk determinatioun yie have also subscriyvit unto, and nan may call the sam in dout, and put tham in reasoning, but a Generall Assemblie. Therfor, yie sall desyre his Majestie, in all humilitie, for continuatioun of the reassoning to the ordinar assigned Generall Assemblie, to be hauldin at St Androis the xxvj. of Apryll nixtocome.

“*Item*, gif na continuatioun can be obtained, and yie be urged to proceide, yie sall protest for The Liberties of the Kirk, and planlie disassenting, keipe your selffs frie of everie thing that salbe done thairanent.

“*Item*, because the Conventioun is apointed be his Majestie onlie for the Questionnes, yie sall nocht mell<sup>1</sup> in anie maner of way withe the receaving of Hountlie or uther excommunicats, or anie uther thing remitted from Synodalls, or Presbyteries, or properlie belang- ing to a Generall Assemblie.

<sup>1</sup> Meddle, interfere with.

“*Item*, in cais the brethring amangs tham selves, or his Majestic, or anie of his Counsell, enter in reasoning with yow, or anie of yow, in privat, that yie hauld fast be thir generall grounds:—1. That the haill externall Government of the Kirk mon be tean<sup>1</sup> out of the Word of God: 2. That the ordinar Pastors and Doctors of the Kirk mon schaw the will of God out of his Word; and that onlie to be followed: 3. That the Pastors and Doctors of the Kirk of Scotland hes with lang and grave deliberatioun sett down and constitut the haill externall Discipline and Governement of the Kirk; according to the quhilk it hes bein thir manie yeirs sa happellie governit and rewlit, that na heresie, schisme, or dissentioun hes haid place thairin unto this houre; and that ther is nan beiring office in the Kirk wha calles the sam in dout. It wald, thairfor, pleis his Majestie nocht to suffer the rair and maist peaceable and decent constitutioun thairof to be disturbit be exagitating of fruitless Questionnes, namlie at this tyme, quhen Papists preasses, be that mean of disputatioun, namlie, to brangle<sup>2</sup> and pervert all.

“*Item*, yie sall travell with the Ministers, Barronnes, and Noblemen, that sall happin thair to be conveyit, that an uniform Supplicatioun may be maid and giffen in for restoring of the Ministers of Edinbruche and Mr David Blak again to thair flockes; and behave your selves heirin in the feir of God and love of Chryst and his kingdome, fathfullie and providentlie, with all dewtifull reverence to the King's Majestie.

“FINIS.”

In this Assemblie also was read the Band quhilk the King and Counsell devysit to be subscrivit be all Ministers, under pean of tinsall<sup>3</sup> of thair stipends, in effect to rescind the declinator subscrivit be all of befor at the calling of Mr David Blak befor the King and Counsell in the monethe of December. The quhilk Band the Assemblie judged to be unlawfull and superfluous, for manie and divers reasones; quhilks, togidder with the pointcs of the forsaid

<sup>1</sup> Must be taken.

<sup>2</sup> Confound, throw into disorder. Fr. *bransler*.

<sup>3</sup> Loss.

Supplicatioun, yie sall find in the volum mentioned befor, of the particulars that fell out in the monethes of November and December.

Upon the 21 of this monethe, Februar, the breithring apointed out of everie Presbyterie conveyned at St Androis, and divers dayes towtching the King's Questionnes,<sup>1</sup> the schort soum wharof, togidder with the Questionnes them selves, followes :

THE QUESTIONNES PROPONED BE THE KING, TO BE RESOLVIT AT THE CONVENTIOUN OF THE ESTAITS AND GENERALL ASSEMBLIE, APPOINTED TO BE AT THE BROUCHE OF PERTHE, THE LAST OF FEBR. 1596.

ANSWER.—1 *Tim.* vi. [3, 4, 5.]

“Gif anie man teatche utherwayes, (viz. then the Apostle hes taucht concerning the government of the hous of God, quhilk is his Kirk,) and concentes nocht to the halsome words of the Lord Jesus Chryst, and to the doctrin quhilk is according to godlines, he is puft up and knawes na thing ; bot dottathe about questionnes and stryff of words, wharof cumes invy, stryff, reallings, evill surmisings, vean disputation of men of corrupt myndes, and destitut of the treuthe, quhilk think that gean is godlines ; from sic seperat thy selff.”

“QUEST. 1. May nocht the maters of the externall Gubernation of the Kirk be disputed, *salva fide et religione* ?

“*Ans.* They may nocht : 1. The Government of the Kirk being alreadie established and constitut upon guid groundes of the Word of God, be lawes of the countrey, and mair nor<sup>2</sup> threttie years possessioun : 2. Namlie at sic a tyme when the Papists ar readie bent to schak and overthrow the Kirk and Gospell : 3. When that un-

<sup>1</sup> “*Nota.*—Mr Jhone Lindsay was suspected to be the author of thir Questiones. I wat he was cheiffie on the counsall of tham, bathe in devysing and following furthe of tham.” This added by Mr James Melvill on margin of MS. <sup>2</sup> More than.

formall Conformitie is sought be our nighbour enemies of the discipline, the Bischopes of Eingland: 4. In sa dissolut estait of a lawles and justiceles peiple: 5. When na edificatioun bot distructioun and breidding of schisme and dissentioun within the bowelles of the Kirk may aryse thair of: 6. When nane of the Pastors or Doctors of the Kirk douttes thairanent: 7. Let the King and Counsall consider whow intolerable they wald think it, to cast in dout the fundamentall lawes of the kingdome, and actes of Parliament; or gif anie man wald put in arbitrimint or reasoning his undouted possessioun, lenning upon a law, and decreit, and right unreducit.

“QUEST. 2. Is it the King severalie, or the Pastor severalie, or bathe conjunctlie, that sould establishe the actes anent the externall Government of the Kirk, or what is the form of thair conjunction to mak lawes?

“Ans. All actes of the Kirk sould be established be the Word of God, contained in Holie Scripture, the ordinar interpretars whar of ar the Pastors and Doctors of the Kirk. The extraordinar, in tyme of corruptioun of the haille esteat of the Kirk, ar Prophettes, and sic as God indowes with extraordinar giftes; and Kings and Princes aucht, be thair civill authoritie, to ratifie and aprove that be thair lawes, and vindicat be thair civill sanctiones, quhilk they declar to be God's will out of his Word.

“QUEST. 3. Is nocht the consent of the maist part of the flock, and also of the Patron, necessar in the electioun of the Pastors?

“Ans. The electioun of Pastors sould be maid be tham wha ar Pastors and Doctors lawfullie called, and wha can try the giftes necessarlie belanging to Pastors, be the Word of God; and to sic as ar sa chosine, the flock and Patron sould giff thair consent and protectioun.

“QUEST. 4. Is it laifull for the Pastor to leave his flock against thair willes, albeit he have the consent of the Presbyterie; and for what cause sould the Presbyterie consent therto?

“Ans. When the flock will feir and obey men and nocht God, and nocht keipe thair fathfull Pastors from wrang, and dint of

deadlie malice and violence, in sic ceas the Pastors, be consent of thair Presbyteries, may leave thair flocks.

“QUEST. 5. Is it lafull for a Minister to use farder applicatioun nor<sup>1</sup> that quhilk may edifie his awin flock; or is the haill warld the flock of everie particular Pastor?

“Ans. A Minister may declar and apply the Word of God throwout the haill Scripture, and his warks wrought throuhout the haill warld, for the glorie of God, and eydification of his particular flock.

“QUEST. 6. Is he a lawfull Pastor wha wants *impositionem manuum*?

“Ans. Impositioun, or laying on of hands, is nocht essentiall and necessar, bot ceremoniall and indifferent, in the admissioun of a Pastor.

“QUEST. 7. Is it lawfull to Pastors to express particular men's names, Counsallis, or Magistrats, in pulpit, or so vivlie<sup>2</sup> to descryve tham, that the peiple may understand whom be they mein, without notorious declarit vices and privat admonitions preceeding?

“Ans. The Canon of the Apostle is cleir, ‘Them that publiclie sin rebuk publictlie, that the rest may feir.’ And sa mikle the mair giff the publict sinne be in a publict persone, bearing publict office and charge; quhilk nocht being corrected, might indanger the publict estate. Nather can anie sear<sup>3</sup> be healed without the plaster be particularlie applyed to the persone and place of his seare: Utherwayes, he does na thing of the pastorall dewtie aright; and sic as finds fault thairwith, thinks mair ill to be called vitius nor be vitius indeid, and, lyk foolles and bernes, chuse rather to die in thair disease nor abyde the cure.

“QUEST. 8. For quhilk vyces sould admonitiones and reproving of Magistrats pas publictlie from pulpits, in thair absence or presence, *respective*?

“Ans. For all publict vyces, against the first and second Table

<sup>1</sup> Than.

<sup>2</sup> To describe them to the life.

<sup>3</sup> Sore.

of the Law of God ; and that in all congregatiounes, because all hes interes in thair King and superiour Magistrats, thairfor all sould ken thair danger, and be moved to pray for thaim.

“**QUEST. 9.** Is the application of doctrin in pulpits lauchfull quhilk is foundit upon informatiouns, bruits, and rumors, suspitious conditions gif this be and that be ; probabilities, likelines or unlikelines in things to come, in civill matters, quhilk all may be fals, and consequentlie the doctrine following therupon ? or, sould all applicatioun be upon the veritie of knawin and notorius vyces ?

“**Ans.** Ther is na bruted <sup>1</sup> vyce or corruptioun but may fall in the persones and offices of men, and comounlie the sin is mikle war nor the bruit ; thairfor thouche this war, thair wer na grait perrell of an <sup>2</sup> speaking treuthe thairin. Albeit thair nather hes bein, or is anie applicatioun used but against over notorius veritie of vyces.

“**QUEST. 10.** Is the text, quhilk is read in the pulpit, the ground wherupoun all the doctrine sould be buildit ? or, may all things be spokin upon all texts, so that the reiding therof is bot a cerimonie ?

“**Ans.** The Apostle to Timoth. Epist. ii. chap. 3, answers cleirly, that ‘ Ther is na Scripture quhilk is nocht sa ritchlie inspyrit be God, that it is profitable for doctrin, refutatioun, correctioun, admonitioun, yea, even to mak the man of God perfyt for all guid wark ;’ and to the Rom. xv. ‘ Whatever is wryttin is for instructioun and consolatioun.’ Sa this is bot an ignorant or cerimonius questioun.

“**QUEST. 11.** May a simple pastor exerceise anie jurisdiction but <sup>3</sup> consent of the maist part of his particular sessioun ?

“**Ans.** He may with consent of the best part, quhilk comounlie is nocht the maist ; for he being the messenger of God and interpreter of his Word, hes mair autoritie with a few nor <sup>4</sup> a grait multitud in the contrare.

“**QUEST. 12.** Is nocht his Sessioun judge to his doctrine ?

“**Ans.** The Word of God and exponars thairof, the Pastors and Doctors, are onlie judge of his doctrin. ‘ The sprit of the prophetes ar subject to the prophetes,’ 1 Cor. xiv.

<sup>1</sup> Commonly rumoured.

<sup>2</sup> One.

<sup>3</sup> Without.

<sup>4</sup> Then.

"QUEST. 13. Sould nocht the Moderator of the Session be chosin yeirly of anie wha has vot therin ?

"Ans. The cheiff burding of moderatioun over the hail flock lyes on the Pastor or Pastors. And, because of the message, gift, office, and commissioun by the Word quhilk he beares, the eldars and deacones mon<sup>1</sup> be moderat be him also.

"QUEST. 14. May the Sessioun be lawfullie elected by Ministers onlie, but the consent of the hail Congregatioun ?

"Ans. Nocht, for the Ministers directs and moderates the electioun be the Word, and the Congregatioun obeyes and giffes consent thairto.

"QUEST. 15. Why sould nocht Eldars and Deacones of ilk particular Sessioun be elected *ad vitam* ?

"Ans. They are elected *ad vitam*, except just causes of deprivation intervein. Bot because the Kirk leiving<sup>2</sup> is sacrilegiuslie spoiled, quhilk sould sustein tham, they may nocht everie yeir leave thair occupationes and attend on that office ; and thairfor of a number lawfullie elected successivlie sum releives uther, yit all abyding Kirk-officers ; and this is of necessitie till the Kirks get hir awin leiving.

"QUEST. 16. How manie Presbyteries is meit to be in the hail countrie, in what places, and whow manie Pastors of Kirks in ilk Presbyterie ?

"Ans. Plant the countrie weill with Kirks out-throw, and the Kirks with Pastors and Doctors, and this questioun wilbe soone solved ; bot if this forme of doing hault out, thair wilbe fewar or they be ma.<sup>3</sup>

"QUEST. 17. Sould nocht the Eldars and Deacons of ilk particular Sessioun have vot in the Presbyteries, or the Pastors only ?

"Ans. Eldars also having commissioun from thair Sessioun in maters of maners, lyk as also Deacones in the Pure's effeares, and Patrimonie of the Kirk.

"QUEST. 18. What is the maters of the Jurisdiction of the Presbyterie quhilk may nocht be intreated in particular Sessions ?

<sup>1</sup> Must.

<sup>2</sup> Living.

<sup>3</sup> There will be fewer before there be more.

*Ans.* The Buik of the Polecie of the Kirk of Scotland sett down be the Generall Assemblie, and the first Act of the Parl. haldin at Edinbruche in anno 1592, answers heirto sufficientlie, and to manie of all thir Questiones ; and thairfor wald never have bein proponit gif the auld affectioun haid remeanit towards the Kirk.

“QUEST. 19. What Form of Process in libelling and citation, termes and dyattes, probation and pronouncing of the sentence, sould be usit befor the said particular Sessiouns and Presbyteries *respective* ?

*Ans.* Echo. Form summar, æquitable, grave and spirituall, as best may serve for the end of thair delling to win saulles from Sathan and his snares of sinne to God, be trew repentance ; and purging and preserving of the Kirk from sklander, and danger of corrupt and pernitiuus members *respective*.

“QUEST. 20. What maters sould the Synod intreat upon quhilk may nocht be decydit in the Presbyteries ?

*Ans.* The Answer to the 18 answers to this.

“QUEST. 21. Sould nocht all wha hes vot in the Presbyteries, and als in the particular Sessions, have vot in the Synodall Assemblies ?

*Ans.* The Pastors, Doctors, and sic as hes comissioun from particular Sessionnes of Congregationnes, hes vott, except in maters of doctrin, wherin onlie they that labors in the Word may vott and judge.

“QUEST. 22. Sould ilk Universitie or ilk Collage, or ilk Master or Regent within ilk Collage, have vot in the Presbyteries or Synodals in the towns or countries whar they ar ; and sic lyk, what form of vot sould they have in the Generall Assemblie ?

*Ans.* Doctors and Professours of Theologie, and ordinar instructars of the youthe in the groundes of Relligion, sould vott. The first, because they ar ordinar Office-bearers within the Kirk ; the second being lawfullie callit to be Sym-presbyters.

“QUEST. 23. Is it lesum to convocat the Generall Assemblie by his Majestie's licence, he being *pius et Christianus Magistratus* ?

*Ans.* Gif he be *pius et Christianus*, he will alwayes allow and



protect the Assemblies of the Office-bearers of the Kirk for governing of the sam, wha hes thair office and warrand of conveying for discharge thairof, nocht of anie erthlie or mortall King, but of Chryst Jesus, whom the Father hes anointed his King on his holie montan; and thairfor may convey in his nam, and sould whensoever they sie the weill of the Kirk and doing of thair office to requyre the sam.

“QUEST. 24. Is it necessar that the Generall Assemblie be ordinar, or onlie extraordinarie convened for waightie causes concerning the Kirk?

“Ans. The necessitie hes bein, is now, and yit lyk to be, in this land sa grait, that bathe the an and uther is neidfull. The ordinar for the ordinar causes contained in the Buik of Discipline; the extraordinar for preventing of dangers, *et pro re nata*.

“QUEST. 25. Hes nocht all men of guid larning and relligion vot in the Generall Assemblie?

“Ans. Nan may vott bot sic as hes lawfull calling, viz. Commissioners from Synods and Presbyteries: yit all the godlie and fathfull may assist, heir, or speak, in a grave, ordourlie, and comlie maner, with leave asked and given be the Moderator.

“QUEST. 26. Is ilk particular Pastor oblesit to repear to the Generall Assemblie, or is it sufficient that onlie Commissioners com fra ilk particular Sessioun, Presbyterie, or Synodall?

“Ans. Commissioners ar sufficient for votting, but the hail fathfull for assistance, giff they pleise and neid be.

“QUEST. 27. Wha sould schuse the Commissioners to cum fra ilk schyre to vot in the Generall Assemblie?

“Ans. The Provinciall Synodes.

“QUEST. 28. Quhat is the number of votters necessar to the lawfulness of the Generall Assemblie? and whow manie of the hail number sould be Pastors, and whow manie uther men?

“Ans. A certean of everie Province, and fewar or ma, as the maters to be intreated of craves.

“QUEST. 29. May anie thing be acted in the Assemblie to the quhilk his Majestie consents nocht?

“ *Ans.* The King sould consent to, and be his lawes approve, all that be the Word of God's Majestie is concludit in his Assemblies. Bot the actes thair of hes sufficient authoritie from Chryst, wha hes promised, that ‘ whatsoever twa or thrie, conveyned in his nam, sall agrie upon in erde, to ratefie in the heavins.’ The lyk wharof na King nor Prince hes; and sa the actes and constitutionnes of the Kirk is of graitter authoritie nor anie King erdlie <sup>1</sup> can giff; yea, even sic as sould command and overruell Kings, whase graittest honour is to be members, nuris-fathers, and servants to the King, Chryst Jesus, and his spouse and Quein, the Kirk.

“ *QUEST.* 30. Is it nocht expedient that the twa part of tham, wha hes *jus suffragii*, sould consent to anie things decernit in Ecclesiasticall judgment, that maters pas nocht be a vot ma or les? <sup>2</sup>

“ *Ans.* We have to thank God alwayes for that spreit of unitie in judgment quhilk hes accompanied our Assemblies to this houre, in sic sort that na thing of importance ever passit till all war fullie resolvit, and in an voice votted thairunto, namlie in the haille pointes of the discipline. God grant that thir Questiones and Court-delling breid nocht contradictioun!

“ *QUEST.* 31. Hes nocht ilk Judgment inferior to the Generall Assemblie an territor limitat, <sup>3</sup> outwith the quhilk they have no powar of citation or Jurisdiction?

“ *Ans.* They haiff; bot in sic sort, that if uther persones comit sklanderus crymes within thair bounds, they may proceed against tham ther, untill they satisfie and remove the sklander from the part they have committed the crymes into. And whar citatioun is requisit, the Assemblie within whase bounds the persone is resident, cites him and causes him to compeir, etc.; bot *contra hostem communem et publicam*, it is lawfull to anie member to deall.

“ *QUEST.* 32. What is the Ordinar Ecclesiasticall Judgment to the discipline of His Majestie's Houshold and Counsell, removable with his Majestie to anie part of the realme?

<sup>1</sup> Earthly.

<sup>2</sup> One vote more or less.

<sup>3</sup> A limited territory.

“ *Ans.* The Sessioun of His Majestie’s Hous, and Presbyterie within the bounds whar his Majestie makes residence for the tyme ; or the Presbyterie within the quhilk the sklander is or was committed, *pro ratione delicti*.

“ *QUEST. 33.* Sould thair be libellit precepts containing the cause of the citation and certificatioun of the censures befor all Ecclesiasticall Judgments, or onlie till answer *super inquirendis* ?

“ *Ans.* They that ar cited to Ecclesiasticall Judgments ar cited comounlie for a deleated or arrissen comoun sklander, ather be word or wryt, but ofttest be word, partlie for schortnes of proces, partlie for want of the Kirk-leiving to sustein a Clark ; with certificationnes as effeires, as the cause, and *salus Ecclesiæ aut personæ*, sall requyre.

“ *QUEST. 34.* Hes the Inferior Judgment powar to summond to compeir befor anie Superior Judgment, or sould men be summoned onlie be the authoritie of that Judgment befor quhilk they sould compeir ?

“ *Ans.* Grait sklanders wharwith Inferiour Judgments can nocht weill tak ordour, wilbe referrit to the Superior or graitter Judgments, and the persones giltie chargit till answer ther, as having a warrand sa to do, in sic causses, fra the Superiour Assemblie.

“ *QUEST. 35.* Is it nocht necessar that privat admonitionnes, with reasonable intervalles of tyme, pas befor all maner of citationnes ?

“ *Ans.* Whare the sklander is becom publict, the place of privat admonitioun is past ; and na citatioun befor a publict Judgment befor the sklander brak out : Sa the Questioun is answerit *negative*.

“ *QUEST. 36.* What intervalles of tyme is necessar betwix ilk privat admonitioun, and betwix the last admonition and the first citation, and betwix the citation and the day of compeirance befor ilk an of the saids Judgments ?

“ *Ans.* The Officers of Chryst’s kingdom ar men of wesdome and æquitable discretion, occupeit in maters of chieff importance, concerning the glorie of God and salvatioun of his peiple, and thairfor sould nocht be empeschit<sup>1</sup> with triffling Questionnes.

<sup>1</sup> Hindered, interrupted.

“ QUEST. 37. Whow manie citationnes sould infer contumacie ?

“ *Ans.* Ane may infer contumacie ; bot the Kirk, unles ther be publict danger, usethe pluralitie, bathe of publict and personall, as best may serve for the winning of the offendar. [The law sayes, *Una citatio contumaciam inducere potest, si scientia citationis apprehenderit citatum, atque ita comperiatur maliciose latitare: Hæc una pro omnibus dicitur.*<sup>1]</sup>

“ QUEST. 38. Is simple contumacie, but<sup>2</sup> probation of a cryme, or is anie cryme but contumacie, sufficient cause of excommunication ?

“ *Ans.* Conjunctlie and severallie : for the cryme may be sa hainous, that for purging of the Kirk, and moving of the persone to a graitte humiliatioun, he may be excommunicat, whowbeit obedient in schort tyme's outward appeirance. And being called for befor the Kirk, gif he compeir nocht, nather schaw a just cause why, he bewrayes a pryde and corruptioun of hart, testefeing him nocht to regard the Kirk, or have anie societie thairwith ; and sa, wordie<sup>3</sup> to be declarit and publictlie signified sic a ane<sup>4</sup> as he is indeid.

“ QUEST. 39. Is ther nocht divers kynds of censures, sic as *prohibitio privati convictus, interdictio à cænâ*, nocht published to the peiple ; and, last of all, *publica traditio Satane* ?

“ *Ans.* We have in comoun use of our Kirk, as was in the Antient, but twa, *abstentios à cænâ, et excommunicatos*. As for the rest of the sortes, luik our Theologs' Comoun-places, and our Answer to the Bischope of St Androis' Appellatioun.

“ QUEST. 40. Sould the Presbyteries be Judges of all things that imports sklander ; and gif sa be,<sup>5</sup> wharof ar they nocht Judges ?

“ *Ans.* The Presbyteries sould prease to purge thair bounds from all sklander, and separat everie saull from thair sklanderus knawin sine, lest it sla him, and his blude be cravit at thair hands. And, as Martyr sayes, *Nihil est ad quod Dei verbum se non extendit, ac proinde censuræ Ecclesiasticæ*. And yit, in the mean tyme, it nather considders nor twitches that quhilk the Civill Magistrat

<sup>1</sup> Margin.

<sup>2</sup> Without.

<sup>3</sup> Worthy.

<sup>4</sup> Such a one.

<sup>5</sup> If so be.

does, nor for that end. *Vide supra* in Mr Androe's Letter, wrytten to the Kirks of Genev and Tigurin.<sup>1</sup>

"QUEST. 41. Can Excommunication be used against theiffis, murderars, usurars, or nocht peyars of thair dettes; and if sa it may be, why ar nocht all the Bordour and Hieland theiffis cursed; as als all the manswering merchants and occurars<sup>2</sup> amangs the Borrowes?

"Ans. It can verie weill; bot gif the Magistrat do his dewtie, it neids nocht. And gif the Hiland and Bordour Kirks war planted, ther wald be less thift. Also, sic merchants ar curst indeid, and brybing Lords of Sessioun to.

"QUEST. 42. Is ther anie Appellation fra the Inferiour to the Superior Judgment? and is nocht the sentence suspendit during the Appellation?

"Ans. Ther is Appellatioun from the Inferior Judgment to the Superiour upon just causes, aye and whill<sup>3</sup> it com to the Supream, quhilk is the Generall Assemblie, fra the quhilk ther is nan. And as to the sentence, gif the Appellation be admitted, it is suspendit for just and reasonable causes, giff nocht admitted, bot justlie repellit, not.

"QUEST. 43. Sould nocht all process and actes be extracted to parties havand interest?

"Ans. *In foro poli* this may be or nocht, as the Judge sies best to be for the honour of God, weill of the Kirk, and saiffing of the persone from the danger of his sinne; and seing the Ecclesiasticall Judgments is nocht astricted alwayes to a wrytten proces, for divers reasones, they can nocht be bund to giff ane extract in wryt alwayes.

"QUEST. 44. Is Summar Excommunication lauchfull in anie cace, but<sup>4</sup> admonitionnes and citationnes preceeding?

"Ans. In sum ceases<sup>5</sup> it is, sic as of Boduall, Spot, and the Papist Erles; and wantes nocht guid warrand of reasone and Scripture, with exemples of the Primitive Kirk.

<sup>1</sup> Pp. 154-164.

<sup>2</sup> *Okerers*, usurers.

<sup>3</sup> Until.

<sup>4</sup> Without.

<sup>5</sup> Cases.

"QUEST. 45. Hes anie uther nor the Pastors of the Kirk vott in Excommunication ?

"Ans. Doctors that interprettes the Word, and Eldars that watches over the maners, hes vott also. Whowbeit, cheiffie that censur is deducit, directed, and execut be the Pastors, the ordinar Ministers of the Word of Wesdome, λόγου σοφίας.

"QUEST. 46. Hes ilk Ecclesiasticall Judgment alik power to Excommunicat ?

"Ans. Everie Ecclesiasticall Judgment, weill constitut, hes powar to Excommunicat within thair bounds ; whowbeit, in respect of the weghtines of that censure, it is thought guid that the Sessiones proceed nocht without the advys of thair Presbyterie.

"QUEST. 47. It is lawfull till Excommunicat sik Papists as professit never our Relligion ?

"Ans. A Papist resident within our bowelles, esteimed of our communioun, and under schaddow thair of, indangering the Kirk, may, by Excommunicatioun, be decovered and maid knawin for sic a an as he is.

"QUEST. 48. A woman being Excommunicat, having a fathfull housband thereafter, sould he abstain from hir companie ?

"Ans. Excommunicatioun cuttes nocht af the dewties of mariage nor nature, sa they be usit but <sup>1</sup> danger of the Kirk, offence of the godlie, and stay of the medicin applyed, quhilk is to move the persone to be eschamit of thair detested esteat, and seik to be releivit thairfra.

"QUEST. 49. Is it nocht reasonable, that befor anie letters of horning be granted be the Session upon the process of Excommunication, that the partie sould be summoned to heir tham granted ?

"Ans. The ordour prescryvit heiranent in the act of Parliament is guid and reasonable. As to this summonding, it can serve for nan uther end but to mak the Sessioun judge in the proces.

"QUEST. 50. Hes nocht a Christian King powar to annull an notorious injust sentence of Excommunication ?

<sup>1</sup> So that they be used without danger to the Kirk.

"*Ans.* Na mair nor<sup>1</sup> to excommunicat; or the Kirk hes till annull an notorious injust sentence of horning or forfaultrie.

"QUEST. 51. May anie Counsall or Universitie be excommunicat? for what cause, whom be,<sup>2</sup> and maner therof?

"*Ans.* Sum Counsall or Universitie may be, viz. Wherof everie member, or *individuum* and persone, is sklanderus for sic crymes as be the Word of God deserves excommunicatioun. And this sould be done be thair ordinar Judgment Ecclesiastic, in maner sett down, conform to the Word of God.

"QUEST. 52. When the Pastors does nocht thair dewtie, or when a Jurisdiction usurpes above an uther, or anie uther schisme fallies out, sould nocht a Christian King mend sic<sup>3</sup> disorders?

"*Ans.* A Christian King sould imploy his autoritie for mending of all disorders, as the Pastors and Doctors of the Kirk declares be God's Word ar to be amendit ordinarlie; and extraordinarie be an extraordinar warrand. But na King nor Prince sould tak upon hand mending or reformatioun, but with the advys of the Watchmen, and at the sight of the Siers, wha hes the gift and calling to tak up the just cawses, conform to the Word of God.

"QUEST. 53. May Fastes, for generall causes, be proclaimed be a Christian Prince's command?

"*Ans.* Be the advys of the Watchmen, and at the sight of the Siers, wha hes the gift and calling to espy the just causes of humiliation by the Word of God, they may.

"QUEST. 54. May onie Ecclesiasticall Judgment compell a man to swear in *suam turpitudinem*?

"*Ans.* A man sklanderit in *causa turpi*, gif witnesses can nocht be gottin, and weghtie presumptiones and motives being confirming the suspitiones of the sklander, that sklander can nocht be removit, the Kirk satisfieit, nor the persone purgit, bot be the aithe of the Lord interponit; quhilk, be the Word of God, determines all douttes and controversies.

"QUEST. 55. Sould ther onie thing be intreated in the Eccle-

<sup>1</sup> No more than.

<sup>2</sup> By whom.

<sup>3</sup> Such.

siasticall Judgment, prejudiciall to the Civill Jurisdiction or privat men's rights; and may nocht the Civill Magistrat lauchfullie stay all sic proceedings?

*Ans.* Nane of tham sould prejudge another, bot bathe sould judge as breither, for ther mutuall helpe and confort, according to the diversitie of the giftes and calling bestowit upon tham be God, and sett down in his Word, wharby all men's lawfull rightes salbe helped, and nan have occasion to stay, bot bathe to fordar and advance uther mutualie.

“FINIS.”

Coming to Perth the last of Februar, we fand the Ministers of the Northe conveyined in sic number as was nocht wount to be sein at our Assemblies, and everie ane graitter courteours nor uther. Sa that my eis saw a new sight, and eares hard new voces; viz., flockes of Ministers going in and out at the King's palace, let at night, and betymes in the morning.<sup>1</sup> For Sir Patrik Murray, the diligent Apostle of the Northe, haid maid all the Northland Ministers' acquaintance with the King, wha began then to luik big on the mater, and find fault with the Ministers of the Southe and the Poprie of Edinbruche, quhilk haid nocht handlit maters weill, and almost losit the King, etc. Greivit at the hart with this, we dischargit our commissioun from our Synod, and usit our Instruktiounes bathe privatlie and publictlie in sic sort, that, do what they could, wee delayit the haulding of anie Assemblie thrie dayes, till my speciall comilito<sup>2</sup> and companioun in Chryst, wha also at that tyme was my bed-fallow, was caried in to the King be Sir Patrik, and keipit from his bed weill twoll houres of the night. At quhilk heure coming in and lying dowing besyde me, he tuk twa or thrie houres sleipe, and thairefter finding me walking,<sup>3</sup> begoud<sup>4</sup> to tell me whow he haid bein send for to the King, and what lang conference haid bein betwix tham, mixed with thretning and flatterie. In end he was alterit in opinioun: “For I perceave,” said he, “the

<sup>1</sup> Late at night, and early in the morning. <sup>2</sup> Fellow-soldier. <sup>3</sup> Awake. <sup>4</sup> Began.



King will nocht feall to wrak him selff and the Kirk bathe, unles that our maters be better loked unto, and he yeildit unto sa far as we may of conscience; yea, suppose we lose sum thing rather nor all!" I answerit, "I could sie na better resolutioun then we haid bein upon in all streattes bygean,<sup>1</sup> quhilk was to seik be prayer and cersing<sup>2</sup> and conference of the Word to ken our dewtie, and be about fathfullie to discharge it better and better; leaving the events and effect to God, whose the cause was. Bot, as for yeilding and granting anie thing against that wherof we haid sufficient warrand in God's Word, and possessioun with sic comfortable fruiets sa lang, for nather thretning, feir of danger, nor flatterie, be God's grace I sould never; for, in my judgment, at sic a tyme the passing from anie poinct, and<sup>3</sup> it war never so small, wald be a schaking us louse and sindrie,<sup>4</sup> disarming of us of the trust in the treuthe of our cause and unitie, wharby we haid stronglie stand<sup>5</sup> to that houre, and sa our disgrace and weakning, the adversar's encouragment and fardar hope, to the schamfull wrak of the cause of Chryst and his Kirk!"

Efter lang conference anent thir maters, we rease and past out to our meditationes in the Inche;<sup>6</sup> and meiting againe, we, that war wount wounderfullie to consent and aggrie in all things, began then first to differ in opiniones. "Weill," said he, in end, "yie ar to be send for to, and peradventour, when yie have hard that I hard, yie will think as I think; for the King begoud with me in thir words: 'As I said to Mr James Melvill and yow in Edinbruch, when I tuk yow twa by<sup>7</sup> and spak with yow last in my chamber, that I haid a speciall quarrell against yow twa, wha bathe was discreit and wyse men, and sic as I lipned<sup>8</sup> in,' etc.; thairfor prepear yow for it." Yit we put af that fore noone also with grait reasoning and delling bathe in privat with divers brethring, and with a number togidder in a Yll<sup>9</sup> of the Kirk; till at efter noone Sir Patrik was send with a command, that all sould meit, and resolve be reasoning and vott-ing ather to hauld Assemblie or nocht. The question being pro-

<sup>1</sup> All bypast straits.<sup>2</sup> Searching.<sup>3</sup> If.<sup>4</sup> Separate, asunder.<sup>5</sup> Stood.<sup>6</sup> Of Perth.<sup>7</sup> Aside.<sup>8</sup> Trusted, depended.<sup>9</sup> Aisle.

ponit, Mr Piter Blakburn tuk the affirmative, as being indeid of that opinion; and I gat the negative, as being indeid of the contrar. We reasonit the mater at grait lainthe, till the graittest part of the breithring thought it aneuche, and inclyned to my part, desyring the mater to be voted; when my said commilito<sup>1</sup> began a lang discourse, wharby he supplied the wants of the formar reasoning, be speitches in appeirance verie wyse and perswasive, quhilk, with the King's authoritie, careid a grait number from our syde, sa that when it cam in votting, the number of the Northland Ministers and Angus prevealed. Quhilk, when I perceavit sa to ga,<sup>2</sup> with grait greiff of mynd, I withdrew my selff, reiding in that entrie a dangerus course of defectioun that followed. And, efter a heavie regrat unto God, and consideratioun of my awin weaknes, in respect specialie of him in whase vertew I confydit maist amang all the breithring present, (for Mr Andro was absent, being Rector of the Univer-sitie, the choise wharof fell just at that tyme,) and yit with a night's conference of the King, I saw him sa stranglie alterit, what could I promise to my selff?

Therfor, efter the breithring of our Commissioun haid maid honest and plane protestatioun of thair disassent from all that form of proceeding from that pretendit Assemblie, and all that sould be done thairin, to keipe tham selves clein and frie thairof, understanding that divers war direct from the King of my frinds and weilwillars to deall with me, and bring me to his Majestie, I quyetlie withdrew my selff from the town. And this mikle, in generall, as I knew concerning that Assemblie. Now for the particulars.

We haid thrie or four meittings and conferences with certean Lords apointed be the King befor that Conventioun was named a Generall Assemblie; wherin thir Articles following war towcted,<sup>3</sup> and answers sett down unto, quhilk, as I hard, haid the approbatioun of the Assemblie thairefter:—

<sup>1</sup> Fellow-soldier.<sup>2</sup> So to go.<sup>3</sup> Touched.

CERTEAN ARTICLES PROPONIT BE HIS MAJESTIE, AT PERTH, 2 AND 3 OF MERCH 1596 ; AND ANSWERIT, IN CONFERENCE, BE CERTEAN BREITHRING CONVENIT THERE.

“ART. 1. That it be nocht thought unlawfull, nather to the Prince nor till anie of the Pastors, at anie tyme heirefter to move douttes, reasone, or crave Reformatioun in anie point of the externall Polecie, Discipline, and Government of the Kirk, that ar nocht essentiall concerning salvatioun, or is nocht answerit *affirmative* or *negative* be ane expres part of Scripture, provyding it be done *decenter*, in the right tyme and place, and *animo ædificandi non tentandi*.

“*Ans.* The Breither conveyed gives thair advys, in the first Article, That it is nocht expedient to mak a law or act twitching this, least a durre sould be opened to curious and turbulent sprites : Utherwayes they think it lawfull to the King, be him selff or his Commissionars, to propon in a Generall Assemblie whatsumever point he desyres to be resolvit of, or to be reformit *in specie externi ordinis*, seing *substantia externæ administrationis Ecclesiasticæ* is *plenissime tradita in sacris literis* : And as the Generall Assemblie may accept of this from the King, sa may the Generall Assemblie do anent anie thing that is done be his Hienes in anie Conventioun, meitting, or Assemblie, convenit be him heirefter.

“ART. 2. Seing that the Civill and Politic Government of the countrie belangs onlie to the King's office and Counsallars, and is in na way pertinent to the Spirituall Ministerie of the Word, That na Minister heirefter sall mell<sup>1</sup> with anie mater of esteat in the pulpit, or with anie of his Majestie's lawes, statutes, and ordinances ; bot gif anie of the Ministerie think tham hurtfull to Relligioun or contrar to the Word, they sall privatlie complean thairon to the King and his Counsall.

“*Ans.* The advys to the 2d Article is, That lawes alreadie maid,

<sup>1</sup> Meddle, interfere.

hurtfull to Relligioun or prejudiciall to the Libertie of the Word, be declarit to be expyrit, as the sam salbe particularlie condiseindit upon; and na law be heirefter maid twitching Relligioun without the advys and consent of the Kirk, wha ar declarit to be the Thrid Esteat of the countrey; and that na act whatsumever be maid contrare to the Word, the preatching wharof the Ministers hes concredit<sup>1</sup> to tham. Whilk, giff it sall fall out, as God forbid, they think that everie Pastor, be the advys of his Presbyterie, Synodall, or Generall Assemblie, sould first complean, and seik remeadie of the sam; quhilk remeadie nocht being gottin, they sould direct the force of the Word against the sam, with all libertie. And, as concerning maters of esteat, the Breithring desyres the explaining of this point of the article.

“ART. 3. That it sall nocht be lawfull to Pastors to name anie particular mene’s names in the pulpit, or saivelie to descryve tham as may be æquivalent with thair naming, except upon the notorietie of a cryme; quhilk notorietie may onlie be defynit be the giltie being fugitive for the cryme, or fylit be an assyse,<sup>2</sup> or excommunicat for the sam.

“Ans. Na mane’s name sould be expressit to his rebuk in pulpit, bot whar the fault is notorius publict; yit they esteim notorietie mon be defynit utherwayes then by being fugitive, fylit be assyse, or excommunicat. For contumacie efter citatioun, publict commissioun of murther, adulterie, or siclyk, as was Boduall’s coming to the Abbay, the murder of Dunibirsall, and manie uther of that sort, makes notorietie; as also, when the fact is sa evident, that the notorietie thairof may be maid out befor the Judge Ordinar. As to the vive descriptioun æquivalent to the naming, it is hard to sett a law thairto, seing a giltie persone will apply to him self, whowbeit the Preatchour never thought on him.

“ART. 4. That everie Minister, in his particular applicatioun, sall have onlie respect to the ædificatioun of his awin flock and present auditour,<sup>3</sup> without expatiating upon uther discourses na wayes pertinent to thair Congregationnes.

<sup>1</sup> Entrusted.<sup>2</sup> Found guilty by a jury or assize.<sup>3</sup> Auditory.

"*Ans.* Na Pastour sould use applicatioun wharin he hes nocht respect to the ædificatioun of his awin flock and present auditor.

"*ART. 5.* That everie Presbyterie salbe comandit to tak diligent account of everie Pastor's doctrin, that he keipe him self within the bounds of these premisses.

"*Ans.* It is the dewtie of everie Presbyterie to tak account of everie Pastor's doctrine, that he keipe him self within the bounds of the Word of God.

"*ART. 6.* That Summar Excommunicatioun be utterlie dischargit as inept, and that thrie citationnes at least, of aught dayes intervall betwin ilk ane of tham, preceid the sentence.

"*Ans.* In the Generall Assemblie hauldin at Montros, it was ordeanit that everie Presbyterie sould seik out the warrands of Summar Excommunicatioun *pro et contra*, and produce the sam, to be considerit in the nixt Generall Assemblie, that decisioun might be taken thairin according to the Word of God. And seing the Commissioners from Presbyteries at this present hes nocht brought with tham the said Reasones, it is best to leave this mater to the ordinar Generall Assemblie. In the mean tyme, the act of Montrose to be keipit.

"*ART. 7.* That na Presbyterie or Synodall use thair censures upon nan bot tham that ar resident within the bounds committed to thair charge, utherwayes the decreit and sentence to be null.

"*Ans.* The Generall Assemblie hes apointed everie offender to be censurit in the place whar he offendes, quhilk they can nocht ga by,<sup>1</sup> *nisi in causa communi*.

"*ART. 8.* That all summonses contain a speciall cause and cryme, and nan to be *super inquirendis, quod est mere tyrannicum*.

"*Ans.* Fiat.

"*ART. 9.* That na Meittings and Conventionnes be amang the Pastors but<sup>2</sup> his Majestie's knowlage and consent, excepting alwayes thair ordinarie Sessiones, Presbyteries, and Synodes.

"*Ans.* This Article is against the meitting of Pastors necessar, as

<sup>1</sup> Which they cannot exceed or go beyond.

<sup>2</sup> Without.

Visitatioun of Kirks, Admissioun of Ministers, concurrence of Breithring in maist lawfull earands, as in taking up feaddes,<sup>1</sup> resolving of questionnes, and sic lyk. Therfor, besyde thair Sessiones, Presbyteries, and Synods, Provinciall and Generall, the Breithring thinks all meittings, for discharge of thair office, aught to be allowit.

“ART. 10. That in all Provinciall Townes Ministers be nocht chosin without the consent of thair awin flock and his Majestie; and this ordour to begin presentlie in the planting of Edinbruche.

“Ans. This Article is answerit be an act of the Generall Assemblie, quhilk statutes, that the principall Townes salbe planted with Ministers be the advys of the Generall Assemblie, at the quhilk his Hienes' Commissionars ar and suld be present.

“ART. 11. That all maters concerning the hail rest of his Majestie's Articles sall rest on-mellit<sup>2</sup> withe, ather in pulpit or anie of thair Judicators, whill first all his Hienes' uther Questionnes be fullie decydit; and, in speciall, that all maters importing sklander cum nocht in befor tham in the mean tyme, wherin his Majestie's royall authoritie is hilie prejudgit; but onlie in causes that ar mere Ecclesiasticall.

“Ans. This Article importes a discharge of manie poincts of our Discipline, sa as it can nocht be presentlie answerit.

“ENDS THE ARTICLES.”

Ane uther particular was, the morn efter it was concludit and named an extraordinar Generall Assemblie, the King callit it in to his Palice, and, in the Grait Hall thair of, joynit it with his Conventioun of Estates, and thair began to reasone his Questionnes; whar the Moderator and Breithring, refusing to put anie of the poincts of the Discipline of the Kirk in questioun and dout, the King wald neids have reasoning, and maid grait provocation thairfor. Mr Thomas Buchannan, an of our Commissionars, maks answer, saying, “Sir, it is nocht that we distrust our cause, or that we want reasone to

<sup>1</sup> Reconciling deadly feuds.

<sup>2</sup> Untouched, not interfered with.

resolve anie that douttes of our maters, sa that they cam in a loving and weil-willing maner to inquire ; but we perceave the purpose is bot to canves and towit our maters heir a whyll, that thairefter men of lytle skill and les conscience may decern in to tham as they pleis." And sa, efter divers pertinent protestationnes, he enterit, in his maner, verie scharplie, solidlie, and oft tymes sarcasticlie, he gaiff tham reasoning ther filles, and trewlie played a stout, honest, and fathfull part that day.

And last, a grait and large Commissioun was giffen for conversioun and receaving again in the bosome of the Kirk, the Erle of Hountlie with his complices, the diligence thair of to be reported to the nixt Generall Assemblie, apointed to be handlin at Dondie in the monethe of May following ; and all uther maters remitted thairunto.

But in the meantyme this Assemblie, and consequentlie all that flowed thairfra, or followed thairupon, was esteimed, of the best and most godlie, to be null in the selff, and of na force or effect, for manifold reasones.

1. First, because it was convocat unlawfullie, that is, against the lawes of the countrey ordeaning the Generall Assemblies to be apointed be tham selves, with advys of the King or his Commissionares : Bot sa it is that this was convocat be the King against the advys of the Kirk, to prejudge the ordinar apointed Generall Assemblie in St Androis.

2. Because it was nocht till edifie, bot to demolishe the Discipline established, as was evident be the printed Questionnes, casting in dout the hail Discipline, thairby at least to gean sum advantage against the sam.

3. Because it was nocht fensit nor sanctefied be the Word of God and prayer, conceavit and done be the mouthie of the last Moderator, [Mr Robert Pont,] according to the ordour observit in all Generall Assemblies sen the first beginning.

4. Because ther was na Moderator chosine ; but an subornde be Court, [Mr David Lindsay,] intrusit him selff, wherof proceidit confusioun and unaccustomed immoderat behaviour.

5. Because the ordinar Scribe being sen the last Assemblée departed this lyff,<sup>1</sup> ther was na Scribe<sup>2</sup> chosine, sworn, or admitted.

6. Because almaist the halff of the Comissionars from Presbyteries according to thair commissionnes disassentit thairfra, and protested against it.

7. Because it was efter four dayes' deley, be flatterie and bost<sup>3</sup> of Court, be a few vottes ma, skarslie at last thrawin out, and named ane Extraordinar Assemblée, as it was indeid.

8. Because, when it was sett down for ane Assemblée, ther was nather hallie,<sup>4</sup> grave, nor ordourlie proceeding thairin.

9. Because ther was na cleir proponing of maters, bot convoyit and dressit for the purpose.

10. Ther was na Article gravelie reasonit thairin, nor na wayes reasonit.

11. Ther was nan votted.

12. Ther was nan concludit.

13. Ther was, indeid, named a certean<sup>5</sup> Breithring of everie Province to heir his Majestie's Articles, and giff thair advys to the Assemblée; the quhilk being hard in opin and full meitting, was weill lyked of and approvin. Bot the sam thairefter was, upon post-hast, altered, eiked, and peared, and maist confusedlie par-bruilyied.<sup>6</sup> And nochtwithstanding of the disassenting and protesting of divers Breithring against the saming, yit without reasoning or votting, was be the mouthe and pen of an unchosin Moderator and Clark, concludit and put out in wryt.

And sa it was of the grait mercie of God that na mair ill was done there; and that the ill was done, was done in sic a sort as it may for thir manifald nullities be justlie estimat as undone.

<sup>1</sup> " This was Mr James Riche, a godlie, lerned, fathfull, guid, honest man, with whom the honestie and uprightness of our Assemblies is lyk to end; whose deathe that yeir, and Mr Andro Moncreiff's, Minister at Carell, a godlie, fathfull, and upright brother, war ominose to the Kirk of Scotland." Note by the Author on margin of MS. <sup>2</sup> Clerk to the Assembly. <sup>3</sup> Threatening. <sup>4</sup> Holy. <sup>5</sup> A certain number. <sup>6</sup> Added to, pared, and most confusedly jumbled. Fr. *brouiller*.



## M.D.XCVII.

The 27 of Apryll, *anno* 1597, Mr Robert Pont, Moderator of the last lawfull Generall Assemblie, cam to St Androis of purpose to keipe the dyat<sup>1</sup> apointed for the Generall Assemblie; bot finding nan convenit ther bot the Province of Fyff, cam to the New Col-lage Scholl, the place apointed for the said Assemblie, and ther, efter incalling<sup>2</sup> of the nam of God, and humble confessioun of sine, that haid procured that brak and desolatioun, cravit mercie, and fensit the Assemblie ther ordourlie in the name of God, taking notes and documents of protestatioun for the libertie of the Kirk.

But, alas! even then that libertie began to be almost lost! For thairefter, to utter it in a word, whar Chryst gydit befor, the Court began then to govern all; whar pretching befor prevalit, then polecie tuk the place; and, finalie, whar devotioun and halie behaviour honoured the Minister, then began pranking at the chare, and prating in the ear of the Prince, to mak the Minister to think him self a man of estimatioun!

DIFFERENCE BETWIX THE KIRK'S GENERALL ASSEMBLIES AND  
THE KING'S.

And, heir, annes<sup>3</sup> to mark the difference betwix the Assemblies Generall following and these that past befor:

1. Chryst, be His spirituall Office-bearers, convocat and appointed tymes and places befor; now, the King, bearing na spirituall charge in the Kirk, usurpes that allanerlie.

2. Chryst preseidit be his Word and Sprit, directing the Moderator and Breithring: Now, the King, his lawes and polecie of estate directes, I will nocht say controlles, Moderator and Breithring.

3. Maters war proponit simple, and the Breithring send<sup>4</sup> to seik light thairin out of the Word of God, be reasoning, conference,

<sup>1</sup> Day, or set time.<sup>2</sup> Invocation.<sup>3</sup> For once.<sup>4</sup> Sent.

meditatioun, [and] prayer : Now, plattes and courses ar wyslie leyit befor moyenes and meanes ar apointed to bring tham about ; all is devysit and advysit in the King's Cabbinet, according thairto is the proceeding. Tent is weill tean<sup>1</sup> in publict, in privat, what may fordar, what may hinder the sam, ther is mater to win creadit at Court. He is the King's man, an honest man, a guid peacable Minister, that goes that way ; and they ar seditius, troublesome, cappit,<sup>2</sup> factius against the King, as meines or reasones in the contrar.

4. In reasoning, the Word was alleagit, the text sighted, the reasones weyit at grait lenthe and lasour, and according to the waight thairof, it bure the conclusioun away be a plean force of cleir treuthe ; the quhilk being ans<sup>3</sup> fund out, he that helde the contrar, willinglie and pleasandlie yieldit, and all acquiescit : Now, the Word is ather as a thing knawin and comoun, past and posted ower ; or gif it com directlie and cleir against the leyd purpose, then the King's man, that is quicest of ingyne, man devyse a glose or distingo ;<sup>4</sup> and giff it be insisted upon, the King him selff mon fall on him, and beare him down, and put him down, and put him to silence with reasones, langage, and autoritie.

5. The veritie was uprightlie and indifferentlie sought without respect of this syde or that, this purpose or that ; quhilk maid men sattletlie,<sup>5</sup> gravlie, and quietlie to bring out thair reasones, and speak thair opiniones : Now, the purpose mon be respected and delt for with hat and contentioun, or they can nocht be thought frak<sup>6</sup> aneuche in the cause.

6. The feir of God, the love of Chryst, the cair of the Kirk, lerning in Scripture, the powar of pretching, the motioun and force of prayer, and the eis and presence of those in whom these giftes specialie schyned, wrought amangs all, æstimation, reverence, and guid ordour : Now, it is the persone, presence, purpose, favour, and regard of the Prince that beares out and controulles all.

7. Giff anie had a gift and missour by uthers<sup>7</sup> of lerning, utter-

<sup>1</sup> Care is well taken.  
or distinction.

<sup>2</sup> Ill-humoured, peevish.  
<sup>5</sup> In a settled manner.

<sup>3</sup> Once.

<sup>4</sup> A gloss  
<sup>7</sup> Beyond or above others.

ance, uprightnes, zeall, earnestnes in prayer, force in exhortatioun, it was spyed out and specialie employed be consent of all at these Assemblies : Now, the plattes ar leyd whow nan sall have place bot sic as serves for the purpose.

8. Giff an offensive word or gesture haid fallen out in a brother it was incontinent censured, and redressit : Now, gif a treuthe be uttered frilie and in zeall, it is met with a squar ly, and he that is for the King's cause may use what countenance, gesture, and langage he pleis.

9. And votting was wount to be usit for na uther purpose bot to testifie an universall consent and aggriment in a cleirit and found out veritie ; sa that skarslie yie wald have fund an *non liquet*, because that tyme and all meanes war granted and used for resolution : And now, reasoning is used but for the fasone, and na thing is sufferit to com in determining bot that quhilk is sure to be born away be maniest votes,<sup>1</sup> and, thairfor, the catalog of the Commissioners man be perused, to ken wha is with us, and wha is against us.

10. In end, the end of the Assemblies of auld was, whow Chryst's kingdome might stand in halines and friedome : Now, it is whow Kirk and Relligioun may be framed to the polytic esteat of a frie Monarchie, and to advance and promot the grandour of man, and supream absolut authoritie in all causses, and over all persones, alsweill Ecclesiasticall as Civill.

Sic an Assemblie then as this first cam in, and was haldin at Dondie the . . day of May, 1597. In the quhilk the twa cheiff purposes was, ane to relax from excommunicatioun the Papist Earls, ane uther to gett the Articles, alleagit concludit in ane Generall Assemblie at Perth, declarit and ratified at the present Assemblie, and as far furthe further as might be attained unto. For preparatioun to the quhilk, the King, perceaving the estats of the Ministers of Edinbruche and of Mr David Blak to be mikle mein-<sup>2</sup>ed, for purchassing ther favour and forderance to his purposes, he

<sup>1</sup> Borne down by a plurality of votes.

<sup>2</sup> Lamented, bemoaned.

heires sic as travelit in thair cause, and makes his awin men of the Ministerie till<sup>1</sup> obtain sa mikle at his hand as to bring the Ministers of Edinbruche to his conference; efter the quhilk, he grantes tham to be relaxit from the horn, and libertie to do thair effeares abroad as frie subjects, yea, to come to Dondie to the Assemblie to knaw farder of his mynd. In lyk maner, to Mr David Blak licence from his warde to com to Dondie.

Also ther was a grait plat leyed, and mikle ado usit, (plewing alwayes with our hiffers!<sup>2</sup>) whow to gett a Moderator meit for the purpose. For this effect, Mr Thomas Buchannan was woun be the grant of a verie weill lyked sutt for the guid Lord Lindsaye's relaxing and restitutionn, wha haid at tutorie, in a maner, Mr Robert Rolloc, Principall of the Collage of Edinbruche, a guid, godlie, lernit man, bot fellon<sup>3</sup> simple and pusillanimie, and sa as he was easilie caried with counsall; sa, efter the Assemblie was lawfullie fenced be the doctrine of the last Moderatour lawfull, viz., Mr Robert Pont, and a Clark chosine, viz., Mr Thomas Nicolsone, it was drifted and weired be the King's command till the coming of the said Mr Robert Rolloc, nocht being present at the first; and then be the fore-provydit sure course of maniest vottes moyennit<sup>4</sup> be manie and grait persuasions and motives usit with the breithring, bathe in publict and privat, the said Mr Robert was declarit Moderator; whom, when the King and his men haid dressit for thair purposse, the Assemblie is keipit frequentlie, *Imperatore presidente*, with grait congratulationn.

With this all men of anie mark or valour was practised be Sir Patrik; and sic as war already woun, and brought to be acquainted, and to confer with his Majestie. This was the exercise, morning and evening, diverse dayes. On a night at evin, I, sitting at my supper, Sir Patrik sends for me to confer with him in the kirk-yard. I, raising from supper, cam to him. The matter was anent my uncle, Mr Andro, whom the King could nocht abyde. I wald do weill to counsall him to return ham, or the King wald

<sup>1</sup> To.<sup>2</sup> Ploughing always with our heifers.<sup>3</sup> Extremely.<sup>4</sup> Influenced.

discharge him. I answerit, It wald be bot in vean to me sa to do, for he wald nocht tak that counsall ; and gif the King wald use his authoritie, he wald suffer patientlie ; bot I was certean that deathe wald nocht cause him do against his conscience ! "Surlie," sayes he, "I fear he suffer the dint of the King's wrathe !" "And trewlie," said I, "I am nocht fearit bot he will byd all !" Returning to my uncle, whar I left him at supper, I tauld him ; whase answer I neid nocht to wrait.

Upon the morn, befor Assemblie tyme, I was commandit to com to the King, and Mr Andro withe me ; wha, entering in his Cabinet, began to dell verie fearlie <sup>1</sup> with my uncle ; bot thairefter entering to twitche maters, Mr Andro brak out with his wounted humor of fredome and zeall, and ther they hecled on <sup>2</sup> till all the hous, and clos, bathe hard, mikle of a large houre. In end, the King takes up and dismisses him favourablie.

The things that war done at that Assemblie I can nocht exactlie recount. Ther was, at the chosing of the Clark, an ordonnance, that at the penning of everie act ther sould be certean Brether with the Clark, wharof I was an, and Mr James Nicolsone an uther ; but whill as I cam till attend, they war commandit to com to the King with the Minutes, and sa I gat nocht acces againe. Also, it was ordenit that all sould be read in publict befor the dissolving of the Assemblie, bot [that was] nocht keipit.

The Articles proponit at St Jhonstoun, and answerit, war hard again at this Assemblie. It was schawin and verifiet to the Assemblie, whow they haid past, bot litle mendit ther ; whowbeit a guid number of guid honest Breithring did honestlie ther part, as they might.

The Lords excommunicat war be a worschipfull Commissioun ordeanit to be relaxit, and that be a few vottes ma, efter sic reasoning, as when a speciall frind asked me, coming out of the Assemblie the Sessioun befor, to schaw him my judgment in effect, because it dependit on his credit, wither I thought they wald be ordeanit to

<sup>1</sup> Fairly, smoothly.

<sup>2</sup> And there they continued in keen disputation, &c.

be absolvit at that tyme ? I tauld him, as I thought, that, in my judgment, they wald gett na absolutioun at that Assemblie nor the nixt, till they kythed <sup>1</sup> better fructs of repentance. Bot by votting and dealling the King's will was wrought.

The Ministers of Edinbruche's mater and Mr Blak I refer to tham selff.

Mr Jhone Lindsay, Secretar, intendit an accusatioun against Mr Robert Wallace, Minister of St Androis, befor his Presbyterie, wha was ther challengit also, bot all these are leiving, and can declar thair awin causses better nor I.

In end was devysit a certean Commissioners, to have powar from the Assemblie to conveyin with the King at what tyme and place his Majestie sould requyre, to keipe concord betwix the Kirk and King, and to intreat of all maters that might serve or apertein to that effect. The quhilk, as experience hes provin sen syne, hes devolvit and transferit the haill powar of the Generall Assemblie in the hands of the King and his Ecclesiastic Counsell, these Commissioners ; for, bathe in Generall Assemblies, and without, they rewill all.

In the monethe of Junie, immediatlie efter his retourn from the Assemblie, the King enters in practise with his Commissioners conveynit at Falkland ; and, calling the Presbyterie of St Androis, reducit a sentence of depositioun pronuncit against Mr Jhone Rutherford from his ministerie of Kinnouchar be the said Presbyterie, and approvin be the Synod of Fyffe. The quhilk, nochtwithstanding, I am certean was ratefied in the heavines, for he never did guid in the ministerie sen syne ! [And, now, hes renunced the ministerie, and takin him to be a mediciner.]<sup>2</sup> The said Mr Jhone purchassit his court be calumnies and dilationnes of Mr David Blak and his ministerie.

And within a fourtein dayes thairefter, the King commandit Mr Jhone Lindsay to com to St Androis, (as the said Mr Jhone al-

<sup>1</sup> Showed or manifested.  
Author on the margin of the MS.

<sup>2</sup> This is added, at a subsequent period, by the

legit,) and intend the prosecutioun of his actioun against Mr Robert Wallace befor him and his Commissioners, takand it out of the hands of the Presbyterie.

Mr Robert was to teatche upon the morn efter the King's coming, according to the cours of his office in the ministerie of St Androis. The King coming to his doctrin, heires him till he cam to applicatioun, at the quhilk he interrupted him, and spak against him publictlie. For the quhilk, all uthers being sylent, Mr Andro Melvill rebukit the King maist scharplie, thretning him with feirfull judgments, gif he repented nocht; and those Commissioners of the Kirk, and his particular Ministers also, for nocht discharging a fathfull and maist necessar dewtie to him in that respect. Thus, God assisted his servant wounderfullie, nochtwithstanding he knew that the cheiff purpose of thair coming was against him. For his cause they intendit a visitatioun and reformatioun of the Universitie; they sought out all they could gett or find against him. [Ther was a number of strangers, Polonians, Dences,<sup>1</sup> Belgians, and Frenchmen, schollars, wha, at the fame of Mr Androe's lerning, cam to the Universitie of St Androis that yeir, and war resident within the sam; quhilk crabit<sup>2</sup> the King mikle, and restranit his purpose against him. This is remarkable for God's providence.]<sup>3</sup> I saw befor the King lying, and thairefter haid in my hand, a quare of peiper<sup>4</sup> of calumnies, in fear wrait, giffen up to the King. They called him diverse tymes, they leyd diverse things to his charge, they hard all his mislykers, evill-willars, and sic as haid anie complaints against him; bot God was sa withe him, with sic courage, utterance, and powar of his image, that they could do na thing to him in end, but mak a new chose of the Rector of the Universitie. At the quhilk, according to the custome, he willinglie dimitted his office, wherof he wald have gladlie bein quyt for manie causses, namlie, for that it importeth a mixture of the Civill Magistracie, with the Ministerie Ecclesiastic, war nocht from yeir to yeir the haill Universitie haid burdenit him thairwithe. And yit they fearit

<sup>1</sup> Poles, Danes.<sup>2</sup> Vexed, crossed.<sup>3</sup> Margin of MS.<sup>4</sup> Quire of paper.

sa the publict opinioun, that they gaiff him ane office als honourable, and mair setting and aggreiable to him in all respects, to wit, to be Dean of the Facultie of Theologie, the quhilk indeid they could nocht giff by<sup>1</sup> him to nan uther bearing ever the sam in effect, without compear or matche for his incomparable lerning; and yit of that quhilk they behoved to do of necessitie, they wald moyen thanks bathe at his hands and the comoun æstimation.

As they wald have thankes in this, sa wald they in the mater of the Ministerie of Edinbruche, for whom they sufferit tham to be suted and intreated that they sould be enterit againe everie an in thair awin rouses, and that to thair severall flocks, with a new stampe of impositioun of hands. Bot all this was to the wrak of the thrid, viz., the Ministerie of St Androis; that that being done, the rest might be the easiar prey as occasioun served thairefter. And sa Mr Robert Wallace was proceidit against and removit from St Androis, be sum form of kinglie Commissionar proceeding and proces. Bot Mr David Blak was never annes called, and yit of mere kinglie powar it behovit him to be debarrit St Androis, and tak him to an upeland roun, or then want all roun in his native countrey; and with post diligence, summarlie, Mr George Gladsteanes placed in his roun.

To receave Mr Robert Bruce, Minister of Edinbruche, and giff him impositioun of handes, war apointed be his Majestie and Commissioners, Mr Thomas Buchannan and Mr James Nicolsone, wha apprehendit sic a feare of leying on of the handes of the peiple upon tham,<sup>2</sup> that it stak to thair stomak all that yeir efter-hend;<sup>3</sup> and was the occasioun of a verie faschius antipathie and contradictioun betwix the Ministers of Edinbruche and the Commissioners; whom, gif the King haid nocht stoutlie with might and mean assisted, the said Commissioners haid gottin lytle thank, and all thair awin travell at the nixt Generall Assemblie. And, as it was, they spak na thing

<sup>1</sup> Past.

<sup>2</sup> "The peiple of Edinbruche was almost in an uproar that day, at least the Commissioners war effrayit of it."—Note by Author on the margin of MS.

<sup>3</sup> Afterwards.



les tham selves, bot that they haid gottin payment for thair travell of that coyne and streak.

About the sam verie tyme that the King interrupted Mr Robert Wallace, and undid the Ministerie of St Androis, ther was an erthquak quhilk maid all the North parts of Scotland to trimble, from St Johnstoun<sup>1</sup> throw Athall, Bredalban, and all these Hie-lands to Ros, and thairin, and Kinteall; quhilk was schawin me for certean be sum of our merchants wha war in Ros and Crommartie Firthe for the tyme; and as the countrey peiple ther reported it to my selff, being directed that sam yeir, in the monethe of October, be the King and Generall Assemblie, to the Visitatioun of the Northe.

This maid sic as haid red the storie of the King of Juda, Uzzias, to remember, whow that when he, at a solemn feast, usurped the Priestlie office, and went in to the Temple to offer incense on the Golden Altar, the Lord sent a mightie erthquak quhilk reased the halff of the montean Eroge, situat on the southe and west of Jerusalem, and caried it four stades,<sup>2</sup> that is, halff a myll, toward the Est, and lighted on the syde of the Mont of Offence, condemnit the hie-way, and spilt<sup>3</sup> all the King's Gardings. Thairwith also the Temple reave,<sup>4</sup> and, a beam of the sune coming throw, strak the King in the face, wharby he becam leprouse, and sa be the preists was cast out of the Temple, yea of his kingdome, and finalie died of melancholie and greiff; as wryttes Josephus, lib. ix. Antiq. Jud. cap. 11. Wharof also by the storie of the Kings, Amos and Zacharie the prophetes mentionnes. Anent the quhilk this Dix-huitaine was maid :—

Uziah King contented nocht to bruke  
The civill sword of Juda's government;  
Bot pristlie office proudlie undertuke  
Till offer incense at the altar bent.

<sup>1</sup> Perth.

<sup>2</sup> *Stadia*, or 500 paces.

<sup>3</sup> Spoilt, destroyed.

<sup>4</sup> Rent.

God schuk the erd,<sup>1</sup> and holie Temple rent,  
 And maid a montan skipe out of his place ;  
 (Of feirfull wrath a 'fect<sup>2</sup> maist evident !)  
 Whilk kinglie gets<sup>3</sup> and gardings did disgrace.

The King him self with leprosie in face,  
 Was strucken sa for schamles sacrilage,  
 That he was forst, with manie loud alace !  
 To quyt his crown, and die in hermitage.

King James the Saxt, this yeir thow fast aspyre,  
 Ou're Chryst his Kirk to compas thy desyrs.  
 O wey this weill, and heire exemple tak,  
 Lest Chryst, wha this yeir schuk thy north-wast parts,  
 And withe eclipsed Sun amasde the harts,  
 For kings to com thie just exemple mak !

A heaveie fact for all the hartes of the godlie and honest, and maist detestable, traterus, and crewall in respect of the devysars and committars, fell furthe upon this alteratioun of the ministerie of St Androis. For the forementioned malitius, craftie misrewlars of the citie, seing now the auband<sup>4</sup> of that ministerie removit, and all sic as lyked of the best ministers to be mislyked at Court, and that they haid gottin a ministerie that wald go throuch with thair factioun, they steir upe and incitats four deboshit young limmers, and wattes<sup>5</sup> that maist notable man amangs all the merchants of St Androis, and for godlines and vertew nocht inferior to manie in the land, James Smithe, as he was coming ham at night from the cost syde, and crewallie demeanes and murdares him. The guid honest man was maist innocent of anie cryme or wrang done to anie, as we schew befor, (whowbeit, persones led with the sprit of that murdarar and liar from the begining, nocht contented to have murderit his body, presses yit to murdar his guid fame, bot in vean,

<sup>1</sup> Earth.<sup>2</sup> An effect.<sup>3</sup> Gates.<sup>4</sup> Restraint.<sup>5</sup> Lies in wait for.

amangs the childring of godlines and treuthe!) and thinking it was bot gear they sought, was resolvit to have bought pace with large soumes; and for aggriment thairanent, the King him self haid apointed the day following to be keipit be frinds, and a commissioner directed from him expreslie for that effect, and thus under tryst was cut of. Thair was never a cais that befell a man that woundit my hart sa sare, and cast me in sa terrible a tentatioun of doutting of the Providence of God, [seing sa guid a man left in the hands of sa vyll lownis!] I knew the innocencie and gudnes of the man sa weill, the vylnes of his maist wicked enemies, and the veritie of his cause. I was even drounde, a certean dayes, even almaist in a deadlie and sencles disappear,<sup>1</sup> till my deir Father of mercie and God of all consolatioun haid pitie on me, and brought me in the light of his sanctuarie, and maid me better to knaw and beleive thairby, that ther was a hell prepared for the wicked, and a heavine for the godlie heirefter! and all the rest of the poincts of that maist deipe and comfortable doctrine of his Providence.

I haid a grait cear of that man's estate, for the onlie reasone befor schawin; and seing that alteratioun coming on, I often said to him, that he haid a thing graitlie for his comfort, that the cause of Chryst and his Kirk in Scotland was sa joyned with his, that sa lang as the an went weill, I sould warrand the uther; bot when the an alterit I fearit the uther! And often hes he answerit me, "That was over grait honour for sic a vyll worme; and that maist gladlie wald he tak his part in the hardest sort as in the best." At the tyme of that alteratioun I was meikle and verie instantlie urget be the King to mak the sermont at the receaving of Mr George. Fallon leathe<sup>2</sup> was I, and soar was it against my hart for manie weghtie reasones, bot, seing the guid honest men was at ane extream point of wrak, having ane interlocutor of the Sessioun past against tham of ten thowsand mark, quhilk tendit to thair utter hearschipe,<sup>3</sup> I indented with the King for the staying of that decreit, and composing of that mater, (wherin I haid sa lang travelit with

<sup>1</sup> Despair.<sup>2</sup> Extremely unwilling.<sup>3</sup> Wreck and ruin of their property.

his Majestie,) I wald condiscend to do<sup>1</sup> that quhilk utherwayes my hart could nocht suffer me to do: For I thocht ther could be na ill don in teatching the Word trewlie; and I thank God thairin I satisfeid my conscience; bot the doing of it, at that tyme, and by sic a compactioun, was a grait huik in my hart,<sup>1</sup> and wrought sear remorse at the newes of his deathe. Bot as the cersar of harts and reanes knawes, the overthrow of that ministerie of St Androis was a heavie overthrow to the joy and pleasure of my saull, sa far was I from art, part, read, counsell, consenting thairto, or allowing thair of. And wheras I tuk grait peanes thairefter in placeing of Mr Blak at Mr George's Kirk, I did it because I kend the fathfull, honest brother's danger; for the King and Commissioners bathe war carles<sup>2</sup> of him, and desyrit nocht better nor to cast him lous on his awin default, (as they wald alleage,) that throw necessitie he might be compelled till abandone the countrey.

James Smithe was my deir frind whill he leivit, and from whom I parted in my awin hous about twa houres befor his slauchter, with als grait sweitnes and joy of hart, arissin of a heavinlie conference, whilk haid stowin<sup>3</sup> twa houres from us or we was awar, as ever I haid in this warld; during the quhilk me thought that he and I bathe was caried from the erthe, and delyting our saulles in that lyff and glorie purchassed be the deathe of the Mediator and Saviour Jesus Chryst; till Mr George Mernse, bailye of St Androis for the tyme, a guid simple man, and his frind, cam and tuk him out of my maist hartlie embracing, sear against my will, for I was determined to keipe him with me that night, and go with him to St Androis on the morn, for keiping of that tryst of agriment apointed be the King.

Gif the reidar be holelie affectionat in trew and godlie frindschipe, he will nocht lothe of the poetick passion quhilk pleasis and easit me for the tyme; and, thairfor, for my frind's sak, I can nocht suffer to pearishe, whowbeit bot a dwabbling countrey ryme,

<sup>1</sup> Hook rankling in my heart.<sup>2</sup> Careless.<sup>3</sup> Stolen, beguiled away.

meittar to be swipped away with the mouse-wobbes,<sup>1</sup> nor byd<sup>2</sup> as a picture in the palace of Apollo!

A DULFULL LAMENTATION FOR SIN, QUHILK HES PROCURIT THE  
THRALDOME OF THE KIRK, AND CREWALL MURDER OF JAMES  
SMITHE, MERCHANT AND CITICINER OF SANCT ANDROSE.

*Sept. 1597.*

*With the toone of "Alas, I die," etc.*

Alas! the tyme, that ever I did offend  
Against thy hiche and dreidfull magestie;  
Alas! the yeirs and seasons I have spend  
In erdlie tours<sup>3</sup> and warldlie vanitie;  
Alas! the mounths, alas! the wk<sup>4</sup>es and dayes,  
That I consum'd in foolishe sports and playes.  
Alas! alas! for verie greiff and paine;  
Alas! for sin; alas! for sin againe.

This pretius loss, quhilk I sa seare lament  
Withe murnfull mean,<sup>5</sup> is of the tyme of grace,  
When God sa lang his Gospell till us lent,  
Till offer lyf with everlasting peace  
For all repentand, fathfull, halie annes:<sup>6</sup>  
This wounds my hart, my flaishe, my blud, and beans.<sup>7</sup>  
Alas! alas! etc.

I may lament with manie loud alace!  
I may regrat with manie reuthfull reare,<sup>8</sup>  
The lichtleing<sup>9</sup> of the favour and the grace  
Of thie, my God, alas! withe siches seare:<sup>10</sup>

<sup>1</sup> The slender filmy web of the gossamer spider.    <sup>2</sup> Than remain, or be preserved.

<sup>3</sup> Earthly concerns.

<sup>4</sup> *Oulks*, weeks.

<sup>5</sup> Lamentation, complaint.

<sup>6</sup> Ones.

<sup>7</sup> Bones.

<sup>8</sup> Roar, with many a rueful or doleful exclamation.

<sup>9</sup> Under-

valuing, holding light.

<sup>10</sup> Sore sighs.

Whare grace is gean,<sup>1</sup> what rests<sup>2</sup> bot mortall greiff,  
With duffull deathe, and wa<sup>3</sup> without releiff.

Alas ! alas ! etc.

And yit, the graittest mater of my greiff  
Is nocht this heave saull with pean<sup>4</sup> repleit,  
Bot that my sinnes hes wrought sa grait mischeiff  
To crabe<sup>5</sup> my heavinlie Father, deir and sweet ;  
And move him nocht to speare his erthlie glore,  
His deirest Kirk quhilk did this land decore.

Alas ! alas ! etc.

For whare the scepter of thy Chryst did gyde,  
And govern be his Word and Halie Ghaste,  
It is contemn'd, alas ! and set asyde,  
And fantasies of flaishe for it is plaste :  
Sa sin gets not his just and frie rebuik,  
The godlie grones, the wicked prouddie luik.

Alas ! alas ! etc.

The standart of thy treuthe is troden down,  
And lies and falshod hes the upper hand ;  
Restored again ar trator, thiff, and loun,  
And honest men ar murdris in the land ;  
Whar Chryst did gyd, now Court does govern all.  
O wratched ceass ! O miserie and thrall !

Alas ! alas ! etc.

But na thing mair effrayes and terrifies,  
Then the renewing of that Covenant :  
At grait Assemblie, Synods, Presbyteries,  
And all our Kirks, bathe up and down this land,

<sup>1</sup> Gone.

<sup>2</sup> Remains.

<sup>3</sup> Woe.

<sup>4</sup> Pain.

<sup>5</sup> Vex, offend.

Whare monie voued, and promis'd till amend ;  
Bot uthers hiche in rank did vilipend.

Alas ! alas ! etc.

The purpose therof was to purge the land  
From filthie sin, that God therin might dwell :  
Bot Sathan's sleaves<sup>1</sup> wald na wayes understand  
That gud intent, nor yit the purpose tholl :<sup>2</sup>

— And sa this tow hes put upon our rok,<sup>3</sup>  
And brought our fredom under boundage yok.

Alas ! alas ! etc.

And ever, alas ! for scham and weill-awa !<sup>4</sup>  
Even we our selffs, wha promiske all the best,  
Be feir and flatterie caried clein awa,  
Permits thy Spreit in us to be repest.

Yea, sum in hart, are led a contrair course,  
Of all this wa,<sup>5</sup> the fontean and the sourse.

Alas ! alas ! etc.

Sa, by that heape of hynous sinnes before,  
Whilk cry'd a vengeance to the heavinnes hie,  
We have incenste the mightie King of glore,  
Be brak of promise, and withe perjurie : \*

Till ather quyt his justice and his right,  
Or then to cast us clein out of his sight !

Alas ! alas ! etc.

And sen the frie rebuk of sin is gean,  
And of our censures the severitie :  
The Papists, Atheist, mockars everilk an,<sup>6</sup>  
And beastlie slaves to sensualitie,

<sup>1</sup> Slaves.      an interjection denoting, woe is me !

<sup>2</sup> Suffer, endure.

<sup>3</sup> Distaff for spinning tow.

<sup>5</sup> Woe.

<sup>4</sup> Wallawa !

<sup>6</sup> Each or every one.

At fredome now they vant and wark thair will,  
 Revyling God, his Word, and servants still.  
 Alas ! alas ! etc.

FINIS.

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J[AMES] S[MITHE.]

A crewall deid that hereupon ensewed,  
 With woundit hart I woefullie record,  
 That all the giltie greivuslie may rewed,  
 Hast for to render recompence, O Lord !  
 I mean the murder of that meakles man,  
 Amangs tham all St Androis did belang.  
 Alas ! alas ! etc.

Guid James Smithe, thy fathe and feir of God,  
 Thyn honestie in lyff and conversation,  
 Thy vertues rare disseminat abroad,  
 And weill bekend throw manie Christan nation ;  
 Thy gentilnes and trew humilitie,  
 Thyn upright meining and fidelitie.  
 Alas ! alas ! etc.

Thy courtesie, thy fasones fear and fyne,  
 Thy dealling just and square can naine concell,  
 Thy kyndnes, frindschipe, and thy spreit devyne,  
 In lyking polecie and comoun-weill :  
 Thy love of right, and hatred of all wrang,  
 Excelling all thy citicines amang.  
 Alas ! alas ! etc.



Bot specialie, thy lyking of God's Word,  
 And interteining of his servants trew,  
 Maid Satan's slaves to tak the blodie sword,  
 And strik tha strakes, quhilk they sall ever rew.  
 They did pretend a forgett cause of fead,<sup>1</sup>  
 Bot verelie thy vertew was thy dead.  
 Alas ! alas ! etc.

For certeanlie thow was an innocent ;  
 To God and man approved weill be tyme ;  
 Altho malicius greidie men war bent  
 On thie, maist falslie, for to lay a cryme,  
 Their consciens ay the contrar did tham tell,  
 As they ar yit convicted be tham sell.  
 Alas ! alas ! etc.

For why the ground of stryff and deadlie fead ?  
 It is from Sathan sen that first he fell,  
 Whase sprit the wicked reprobat does lead,  
 And maks tham first to hat the Lord him sell ;<sup>2</sup>  
 And syn abhore sic as him loves and feirs,  
 Whase spreit and lyff is contrarie to theirs.  
 Alas ! alas ! etc.

Invy and malice, lang inveterat,  
 Did bowden<sup>3</sup> in the breist of craftie men,  
 Withe Satan's vennom haill intoxicat,  
 As God at last will mak the warld to ken ;  
 Wha houndit furthe these ratches<sup>4</sup> under night,  
 On Lambe alan, haill four to set thair might !  
 Alas ! alas ! etc.

<sup>1</sup> Deadly feud.      <sup>2</sup> Himself.      <sup>3</sup> Swell. It is often written *boldin* or *bolden*, in old MSS.      <sup>4</sup> Whether this means *wretches*, or "ratches," a sort of butcher's dog, does not seem obvious ; but perhaps the latter is the most probable. From Fr. *brachet*, a kind of little hound.

And that at unawars behind his bak,  
 They interprys'd thair limmers crewaltie,  
 Quhilk souldart-like<sup>1</sup> they durst nocht undertak ;  
 Sic was his manhead and activitie :

When he was passing lyk a seakles lam,<sup>2</sup>  
 These crewall craftie wolfs upon him cam.  
 Alas ! alas ! etc.

Wa to yow, foolishe, filthie, feible fallows !  
 Yie ar mad faggets to the fyre of hell.  
 Lyk lowns and limmers, your carkashe<sup>3</sup> for the gallows,  
 Your cursed saull for Beelzebub him sell.<sup>4</sup>  
 As vagabounds, lyk Cain, to be kend,  
 Till that yie mak a maist unhappie end.  
 Alas ! alas ! etc.

Fy ! on the limmer Lindsay, by the leave,<sup>5</sup>  
 Thow might have clam'd sum kinred by thy name,  
 Bot making thie to slaves a filthie slave,  
 Thou'rt blotted out with everlasting scham !  
 Ah ! slave to Satan, and to slaveishe beasts :  
 Ah ! flashar tyk,<sup>6</sup> whom all the land deteasts.  
 Alas ! alas ! etc.

Yie venturars<sup>7</sup> beweall<sup>8</sup> his tragedie,  
 Yie kend him ever godlie, guid, and wyse.  
 Yie mariners and tradars be the sie,  
 Amang your merchants he haid eu'r the pryse,  
 All honest men, all burgesses of towns,  
 Will mein his cease,<sup>9</sup> unless they be bot lowns.  
 Alas ! alas ! etc.

<sup>1</sup> Soldier-like, i.e. bravely face.    <sup>2</sup> Guiltless lamb.    <sup>3</sup> Carcase.    <sup>4</sup> Himself.

<sup>5</sup> The scoundrel Lindsay, beyond all the rest.    <sup>6</sup> Butcher's dog.    <sup>7</sup> Adventurers, merchants.    <sup>8</sup> Bewail.    <sup>9</sup> Lament his case.

But maist of all, the honest pure will miss  
 His merchandise, with mercie ever mixt ;  
 He gat a thowsand's bennessone<sup>1</sup> and bliss ;  
 They wanted nocht wha kept thair tym affixt.  
 Yea manie an, he quat<sup>2</sup> full liberallie,  
 That was by hasard<sup>3</sup> put to povertie.  
 Alas ! alas ! etc.

O Kirk and King, whow gratlie ar yie wrangde !  
 Alas ! for losing of sa rare a man.  
 Gif hounders of sic knaves war tean and hangde,  
 - War in compear a wild-gus for a wran.<sup>4</sup>  
 A better subject, nor a better sone,  
 Haid nocht the King nor Kirk this land within.  
 Alas ! alas ! etc.

Then if yow will eschew the vengeance grait,  
 Of seakles<sup>5</sup> blud that ower this land does hing,  
 Tak pean to purge ; set heir your harts delait ;  
 Think this beseats a godlie Kirk and King :  
 For, gif that therin yie be negligent,  
 I am sure to leat yie sall it seare repent !  
 Alas ! alas ! etc.

And thow, O Fyff ! sa filthelie defylde  
 Withe fore-thought fellons' bludie crewaltie !  
 I rather be a stranger far exylde,  
 Nor Erle, or Lord, or Baron, into thie :  
 Unles thow kythe thir murders to deteast,  
 That in thy Wast, this uther in thyn East.  
 Alas ! alas ! etc.

<sup>1</sup> Benediction.  
 "jeopard" in the text.

<sup>2</sup> Requited, rewarded.

<sup>4</sup> A wild-goose for a wren.

<sup>3</sup> The Author has also the word

<sup>5</sup> Guiltless.

I red thie,<sup>1</sup> therfor, dull<sup>2</sup> for Dunnibirsall,  
 And for St Androse now, to sobbe full sear,  
 Or thow sall feill thy judgment, scharpe as thirsall,<sup>3</sup> —  
 Upon thy bak, and on thy buttocks bear :  
 For why whar seakles bluid sa fast cryes out,  
 The righteus God mon punishe ther, but dout.  
 Alas ! alas ! etc.

Bot, O St Androse ! searlie sall thow rew  
 The tym that thow brought out that wicked race ;  
 For thow sall drink of that quhilk thow did brew, —  
 With mikle wa,<sup>4</sup> and manie loud alace !  
 For sure thyn eis sall verelie behauld,  
 What ever thy fathfull Pastors to thè tauld.  
 Alas ! alas ! etc.

And namlie yie, wha, lauching in your sleive,  
 Now maks this mater seage unto your drink ;  
 For surlie God sall then his awin releive,  
 When yie your craft and malice sall forthink.  
 Lauche on, and sport yow with your guid success,  
 Our God is in heavin, wha sies, and will redress !  
 Alas ! alas ! etc.

Bot weil's thie weidow, supposed miserable,  
 God give thie grace to knaw thy happines.  
 The devill hes done mischeif intolerable,  
 Yit God his graittar guidness sall express.  
 Whilk thow sall find with wonderfull delyt,  
 To thair malicius wicked harts dispyt.  
 O confort ! confort ! stedfast to remean.  
 O confort meit to mitigat thy pean.

<sup>1</sup> Counsel thee.<sup>2</sup> Dool, mourn. Fr. *deuil*.<sup>3</sup> Thistle.<sup>4</sup> Wee.

God hes reteird thy housband to his rest,  
 And him inrolld, for to mak out that number  
 Of righteus martyrs, whom he loves ay best,  
 Into this lyff persewd with cross and cumber,<sup>1</sup>  
     Beneathe that Altar, blessed Saincts amang,  
     Whilk cryes, "Hast, Lord, revenge our bluid and wrang!"  
     Thair cled in whait<sup>2</sup> he plesand sall remean:  
     O confort meit to mitigat thy pean!

Bot certeanlie God sall thy Housband bie,  
 And Father to thy childring an and all;  
 He sall yow freethe<sup>3</sup> from all this miserie;  
 He sall yow heir, and give yow hart to call.  
     He sall yow daylie grace and blessing send;  
     He sall yow gyd unto that blessed end.  
     O confort! confort! stedfast to remean,  
     O confort meit to mitigat thy pean!

Deir damiselles! leave af your dreirie mean,<sup>4</sup>  
 And grow in godlines to womanhead;  
 Yie sall nocht live lyk orphelings alean,<sup>5</sup>  
 Altho your erthlie father now be dead.  
     Your Heavinlie Father's guidnes yie sall feill;  
     He sall yow touchar<sup>6</sup> all, and marie weill.  
     O confort, etc. etc.

Thow bonie boy, conceive and brought upe,  
 Miraculuslie by<sup>7</sup> anie expectation,  
 Into thy youthe, reiose to tholl the whupe,<sup>8</sup>  
 Thy God salbe thy scheild and preservation:

<sup>1</sup> Cummer, strife, contention.

deliver. <sup>4</sup> Moaning, lamentation.  
 tochers or doweries. <sup>7</sup> Beyond.

<sup>2</sup> Clothed in white robes.

<sup>5</sup> Orphans alone.

<sup>3</sup> Free or

<sup>6</sup> Provide you with  
<sup>8</sup> Rejoice to suffer the scourge or correction

of the rod.

He sall thie bliss, and mak thie sic at ease,  
 A feirfull curse on all thy father's faes.<sup>1</sup>  
 O confort, etc. etc.

Sa, efter God hes maid yow meit for him,  
 Be all your suffrings and tentationnes,  
 He's mak yow on the ledder Chryst to clim,<sup>2</sup>  
 And end your greifs and tribulationnes,  
 Surmonting far the skyes and sternes<sup>3</sup> bright,  
 Yie's enter in the Lord's æternall light.  
 Ther meit with him, and never part again.  
 O confort meit to mitigat your pean!

Now Chryst our King, triumphar over the devills,  
 Ou'r sin, ou'r deathe, ou'r hell, this warld and all,  
 Behauld from heavin thir maist mischeivus evills,  
 And heire the plaint of sic as on thie call.  
 And aither stainche<sup>4</sup> the rage of thair impyre,  
 Or come and cast them in æternall fyre!  
 O com! O com! O com! without delay.  
 O com! and judge, Lord Jesus, we thie pray.

AMEN.

In the monethe of October thairefter, with a heaveie hart, grait pean in body, be a distillatioun falling on my teithe, and with grait expences, I entered in jorney with the rest apointed, and visited the Provinces of Aberdein, Murray, and Ros. At ther Synods and Presbyteries we tryed the Ministers, particularlie in doctrine, knowlage, and lyff: Sum we deposit; sum we admonished; sum we incuragit: manie we helped in ther gleibs, manses, and leivings. We delt with all the Noble men and cheiff Barrones, for provyding of thair Kirks, be doctrine and privat delling, and gat Subscriptionnes

<sup>1</sup> Foes.

<sup>2</sup> Ladder to climb to Christ.

<sup>3</sup> Stars.

<sup>4</sup> Staunch.

2 E

to the particular provisionnes sett down in wrait, anent everie Kirk : Wherin the penitents recentlie receavit past befor, be guid exemple, the Erles of Hountlie and Arroll, because they war nocht yit restored in Parliament ; but sensyne I heir litle of the performance. But thairin MakinToshie<sup>1</sup> warred<sup>2</sup> all the rest, wha, meitting us at Ennernes,<sup>3</sup> sett down the plat of all his Kirks with sufficient provisioun ; and when he haid done, he subscriyvit it with his hand befor us, and said, "Now it may be thought I am liberall," sayes he, "because na Minister will venture to com amangs us, therfor get me men and sey<sup>4</sup> me, and I will find sufficient caution for saiffitie of ther persones, obedience to ther doctrine and discipline, and guid payment of thair stipend and interteinment in St Johnstoun, Dondie, or Aberdein !" And, indeid, I have ever sensyne regrated the esteat of our Hielands, and am sure gif Chryst war pretched amangs tham, they wald scham monie Lawland professours ; and gif peanes war taken bot als willinglie for winning of tha saulles<sup>5</sup> be the Prince and Pastors to plant ther Kirks, as ther is for wrakking and displanting of the best constitut, Chryst might be pretched and beleived, bathe in Hielands and Bordours.

In that jorney, be occasioun of conference be the way with Sir Patrik Murray, Mr James Nicolsons, and Mr Piter Blakburn, I smeld out the purpose of erectioun of Bischopes againe. The quhilk coming to Edinbruche to the parliament in the monethe of December, I fand planlie going to wark, and therfor left my litle Court Commissionarie, and all fordair dealling with tham in anie course or purpose, and reteired my selff ham to my awin calling. From the quhilk, whowbeit I was often absent of befor, occupied ever in comoun causses,<sup>6</sup> to my great peanes and spending of all I haid, yit I haid confort in my conscience and joy in spreit thairefter, remembering sum guid done to the contentment of the godlie. But when I perceavit my peanes and expences to be dowblit, and to reape na thing in end bot greiff of mynd, and evill estimatioun amangs guid

<sup>1</sup> The Chief of the Clan Mackintosh.    <sup>2</sup> Excelled, outdid.    <sup>3</sup> Inverness.    <sup>4</sup> Try.  
<sup>5</sup> These souls.    <sup>6</sup> Public concerns ; affairs concerning the welfare of the community.

folks, I thought it hie tyme to reteire. And yit twa turnes fell out that tyed me, as efter we will heir.

At the parliament, in December, the mater was convoyed and brought in this maner. The Commissioners, in nam of the Kirk, sought be petitioun a vott in parliament, wharof they thought they haid sufficient warrand, because it haid oftentymes, yea almost at everie parliament, compleanit, that men satt and votted in parliament in nam of the Kirk, that nather bure office in the Kirk, nor haid anie commissioun thairfra. The Abbots, Priours, Lords of Sessioun, and sic as they drew of the Nobilitie, war against the Kirk; yit be earnest delling of the King, wha haid promist mikle guid to be done to the Kirk at that parliament, they condiscend and aggreis, that sic of the ministerie heirefter, as his Majestie sould promot to the dignitie, office, place, and title of Prelacie, Bischope, Abbot, or uther, sall have vott in parliament, siklyk and als frilie as any uther Ecclesiasticall Prelat haid at anie tym bygean, etc.

Now this, forsuthe, was a grait benefit for the Kirk, obtained at that parliament, when the Papist Erles war restorit, and for the quhilk the Kirk behoved to receave tham in favour. For the Kirk haid lyen lang in contempt and povertie, quhilk the King and his Commissioners soar pitied, and this was the way to mend that: To gett of the godliest, wysest, and best of the ministerie, upon the Counsall of the realme, Conventionnes of Esteattes and highest Court of Parliament, ther they sould reasone and vott in ther awin causes, and bring hame the Kirk leiving, and nocht stand at the durre geiffing in peapers of petitiones; and skarslie when they haid iaked<sup>1</sup> on manie dayes, gott sa mikle as a fear<sup>2</sup> answer. And, indeid, gif warldlie honour and ritches haid bein to be sought for to the Kingdome of Chryst, as it was and is of the Antichryst, or gif ther haid bein honour and ritches to be gottin in Scotland, even bot sic as was wount to be to these tytles, dignities, and offices of Prelates, I wald haiff easelie bein moved and caried away with

<sup>1</sup> It is also frequently written *jauk*, to spend time idly.

<sup>2</sup> Fair.



these arguments, wanting the grace and government of God's Spreit; bot Chryst teatching us, and making us to teatche his peiple the contrar, and the peiple in sic a cleir light of the Gospell, seing and spying the wandring away of ther gydes in the mist of Court vanitie, and thairfor the mair esteimed ther, the mair dispysit and contemptible befor tham, and the les able for anie guid ædificatioun to the conscience, maid me altogidder to avoid and abhore it. And heir, again, my forsaid commilito<sup>1</sup> and I war in contradictorie opiniones.

Our Synod of Fyff conveyit in St Androis in Februar following. To it was Sir Patrik direct from the King to moyen for the mater of Bischopes. It was far and fearlie<sup>2</sup> brought about with a Letter thairanent from the King's Majestie to the Presbyteries. *Item*, an uther from the Commissionars with a copie of the act of parliament, schawing whow hardlie it haid obtained by the King's grait peanes and autoritie at the hands of the Lords of Articles, and what commoditie might therby com to the Kirk. Therefter the questioun was proponit, Gif it war expedient and profitable for the Kirk, that the Ministers sould have vot in parliament for and in nam of the Kirk? The quhilk seiming guid, be maniest vottes of the Breithring, to be answerit *affirmative*, I planlie discoverit unto thame the purpose, to the grait offence of the King's Commissionar, schawing tham that it being annes<sup>3</sup> fund profitable and expedient, that Ministers sould vott in parliament, these Ministers behoved to be Bischopes and Prelates, or els they wald nocht be admitted to vott; and sa we sould fall to wark and big upe Bischopes, quhilk we haid bein all our dayes dinging down. Mr Andro Melvill insisted herin, in his vehement maner; wha, taken upe rudlie be Mr Thomas Buchanan, that he sould nocht have place in the Assemblée, (meining because of the misordour quhilk the King and Commissionars haid maid in the Universitie, debarring the Maisters thairof, namlie of Theologie, from the Assemblies,) he answerit, "My professioun

<sup>1</sup> Fellow-soldier.<sup>2</sup> Fairly.<sup>3</sup> Once.

was to resolve questionnes in the Kirk of God out of his Word, and to reasone, vott, and moderat in Assemblies, when yours was to teatche the grammar rewles ! Quhilk answer contented and moved the Breithring verie mikle.

Efter the quhilk David Fergusone, the auldest Minister that tyme in Scotland, spak gravlie, cleirlye, and at lainthe, whow the corrupcionnes of that office of Bischopes haid bein espyed be the Kirk of Scotland from the begining ; what pean haid bein taken bathe in doctrin from pulpites and in Assemblies, for purging and alluterlie putting away thairrof. And now he perceavit a purpose till erect tham of new, conveyed in sic a maner as he could compear to na thing better nor that quhilk the Grecians usit for the overthrow of the antient citie and kingdome of Troy, busking upe a brave horse, and, be a craftie Sinon, persuading tham to pluk down the walles with thair awin hands to receave that in, for thair honour and weillfare, quhilk servit for thair utter wrak and distruction. Therfor he wald, with the Breithring that haid giffen guid warning, cry, *Equo ne credite Teucris*.

Mr Jhone Davidsonsone, an of the antient fathres of the Kirk, was present with us at that Assemblie, and mightelie and gravelie war-nit, informit, and movit the Breithring. Amangs the rest he said, mirrelie, " Busk, busk, busk him as bonilie as ye can, and fetch him in als fearlie as yie will, we sie him weill aneuche, we sie the hornes of his mytre !"

In memoriall wharof this Decatessarad was maid, when the mater wrought fordar on thairefter :

By Pallas' art the Grecians built an horss,  
 Als hudge as hill, presenting him to Troy,  
 And craftie Sinon, taken as par forss,  
 Perswadit them to brak thair walles, with joy,  
 Be thair awin hands, this horss for to convoy,  
 And set him upe in thair maist sacrat place :  
 Bot therout ushing capteans did distroy  
 With fyre and sword thair citie soone, alace !

Tho Dardan prophets cry'd and bad tham seace,  
 Alluring tham to work thair awin releiff:  
 Yit foolishe madnes spuilyiet tham of grace,  
 Sa God, for sin, brought on thair last mischeiff.  
 This hors, this Sinon, and this Troian sak,  
 Me thinks I sie, whill we our Bischops mak !

In that Februar, betwix the Synods Provinciall and Generall, was that maist conspicuus eclipse of the sunne, quhilk strak all creatours with sic estonishment and feir, as tho the day of Judgment haid bein com. I knew befor it was to com; I was nocht ignorant of the naturall cause thair of; and yit when it cam to the amazfull, uglie, alriche darknes, I was cast on my knies, and my hart almaist fealled. On that I gave this warning :

In Februar, the twentie-fyve exack,  
 We saw the sunne, the tent hour of the day,  
 Begin to loss his light and turn to blak,  
 Whilk piece and piece his whait did weare away.  
 The cause is this, as lerned men do say,  
 The darksum bodie of the changing moone  
 Cam in betwix our sight and Phœbus gay,  
 And hid from us his halsome light sa soone.  
 Amid the meittings of our KIRK this done,  
 Portends the dark and variable warld  
 Sall com betwix the KIRK and CHRYST abone,  
 And mak hir Pastors crewked, blind, and thral'd !  
 Then statlie starrs stik fast, and tak gud tent,  
 The dragon's taill will reng the firmament !

[Over notable effects of this eclipse kythe the yeir following in the deathe of notable lights of the Kirk of Scotland, Mr Thomas Bowchanan, Mr Robert Rolloc, David Fergusone, and Mr Adam Jhonstoun; also of Mr Jhone Lindsay, for naturall judgment and learning the graittest light of the polecie and Counsall of Scotland.

In lyk maner of guid James Smithe, the sune amangs the merchants.

A mair feirfull eclipse was of the sun, and fall of starnes from the heavin, when in the Kirk of France the men of graittest learning and estimatioun (intysit be the flatterie and giftes of the King for establiassing of the peace quhilk he haid fantyseit in his brean betwix the Papists and Protestants, for the commoditie and surnes of his esteat) war maid to set and imploy thair thought, pen, and travell to erect, and set furthe ane mid and weill-mixed Relligioun and new Christianitie, the effectuating wharof haid nocht feallit, gif God haid nocht cutted schort thair dayes with exemplar sorts of deathe. The names of the cheiff war Ardianus, Serranus, Rotanus, Egbergius, and Martinus.<sup>1]</sup>

#### M.D.XCVIII.

In the monethe of Merche following, 1598, the Generall Assemblie held at Dondie. Ther the King and Commissioners met befor togidder, and leyd all the plattes and courssees, being in grait fear that the Commissioners sould be soarlie censurit for thair proceedinges, and that ther sould be na forderance, in thair cheiff purpos of erecting of Bischopes. Ther was ther bissines day and night to mak and try all in everie Province. The Moderator was beforhand preparit, and all and everie an that sould teatche and open thair mouthe in pulpit; and, finalie, all things framed for the purpose, sa far as wit or diligence might mak with the Prince's autoritie.

The King professit to stand be the Commissioners, and they be him. The uther partie war the ministers of Edinbruche and St Androis, with all sic as stud uprightlie for the established discipline and fredome of the Kirk. The Commissioners offerit tham to giff a compt of thair proceedinges to the Assemblie; bot sa in effect that they war judges thair selff, for they war sure beforhand the graittest number sould be on thair part. Manie greiffes war giffen in be Edinbruche, St Androis, and uther Presbyteries; grait hait and altercatioun was, sa that sic an Assemblie was never sein

<sup>1</sup> These two paragraphs have been added by the Author on margin of MS.

in Scotland sen Reformatioun of Religioun ; and that quhilk was warst, the graittest enemies of the Ministerie [the lat excommunicat forfaultit Papist Erls] war brought in to tak their pastyme of the imperfectionnes of the Breithring, and skrape togidder mater of sklander and calummie to ventilat and saw athort amangs the enemies bathe within and without the land. My uncle, Mr Andro, was happie in that, at his first presenting to the Assemblie he was dischargit ; nather wald the King com in nor suffer anie thing be done till he was away, (yit he past nocht on-uttering his mind to the Breithring in his auld maner.) And, nocht satisfieit that he was out of the Assemblie, he was chargeit aff the town under all heest peanes. And surlie, I say, he was happie that hard nocht the things quhilk woundit our hartes throuche ; better to be buried, as they war ordeanit in end, nor ever rememberit !

Efter that a large tyme was evill tint upon the greiffes, and they (Male Malcontent, mother of the Greives!<sup>1</sup>) buried, the questioun moyennit at all the Synods befor cam in, Whither Ministers might vot in parliament ? It was reasonit at lynthe, wherin I had my large part, as they follow heirefter ; but at last, when it cam to the roll, Mr Gilbert Body led the ring, a drunken Orkney ass ; and the graittest number followit, all for the bodie,<sup>2</sup> but<sup>3</sup> respect of the spreit. And yit, praisit be God, a guid number of honest breithring glorifiet God, bathe in reasoning and votting directlie against : Another sort war mistakine bathe in reasoning and votting : And the number that caried the conclusioun away war nocht sic that<sup>4</sup> laborit or haid skill in the Word, bot lait Commissionars wha votted with the King and thair Ministers. Efter the quhilk conclusioun, Mr Jhone Davidsons, of whome I have divers tymes spoken befor, maid publict protestatioun against it in his awin nam, and the nam of the Breithring that disassented, first in word, and thairefter gaiff in in wryt, desyring the Clark to insert it.

<sup>1</sup> " This nam was giften to that dealing, in derision, be the people." Margin of MS.

<sup>2</sup> The depreciating way in which the Author here shows his contempt for this individual is accompanied by the above humorous play upon his name, which can only be fully appreciated by a Scotch reader. <sup>3</sup> Without. <sup>4</sup> Were not such as.

Therefter, going fordwart to the rest of the Questionnes, befor they sould be reasonit, to mak tham the mair plausible and easie to be past, the haill devys and forge of the new Bischoprik was brought furthe fallon weill busket,<sup>1</sup> and fearlie and at lynthe red befor the Assemblie. Ther war they maid clein of all corruptioun of Papis-trie, Antichristian and Anglicall Bischopries, fyned of new in the furnace, cast in a new mould, and maid of a freche strak;<sup>2</sup> and finalie embarrit and inclosit with sic caveats, as range and fling thair filles tho they war wyld, they sould never win out! Yit, when the rest of the Questiones war read, they, perceaving that the Breithring's hartes wha haid assented to the first began to stand and swidder,<sup>3</sup> for the best part thought it meittest to tak tyme to mollelie and moyen maters, lest they sould grow fousome<sup>4</sup> at the first; and sa was ordeanit, that efter advysment in Presbyteries, the Synods of everie Province sould assemble in May, and efter reasoning of the Questiones ther, sould direct thrie of thair number quha sould conveyin with the King at the tyme and place to be apointed be his Majestie.

[It was also concludit at this Assemblie, that this office of votting in parliament was of a mixt qualitie, and thairfor the electioun thair-to behoved to be mixt, partlie be the King and partlie be the Kirk; and the number of vottars to be fiftie.]

Our Synod of Fyff convenit in Dunfermling in the monethe of Junie. Ther war Commissioners from his Majestie, the Lord of Towngland, and Sir Patrik Murray. Reasoning was, and the judgments of all the Presbyteries and Breithring, giffen in thir Questiones: 1. Efter what maner he sall be chosin wha sall vot in parliament for the Kirk? Wither the Kirk the nominatioun, and the King the chose,<sup>5</sup> or *e contra*? Cuper Presbyterie, quhilk Mr Thomas Buchanan gydit,<sup>6</sup> thought that the Kirk sould nominat fyve or sax, out of the quhilk the King sould chuse an. The uther thrie

<sup>1</sup> Extremely well dressed out.<sup>2</sup> In allusion to a coin fresh struck at the mint.<sup>3</sup> Hesitate.<sup>4</sup> Surfeited, nauseated.<sup>5</sup> Choice.<sup>6</sup> Guided.

Presbyteries agreeit in an,<sup>1</sup> that the Kirk sould mak chose of thair awin Commissionars, and thairwith the King sould content and accept the sam, as the Barrones and Burrowes does. 2. Whow lang sould they continow? Cuper said, *Tota vita, nisi interveniat culpa*. The uther thrie in an, From a Generall Assemblie to an uther. 3. Whow they sould be callit? Cuper thought it a thing indifferent wither they war callit "Bischopes" or "Commissionars." The uther thrie in an thought the consequens of the nam of graitter importance, because the verie nam of Bischope now importethe corruptioun and tyrannie in the Kirk, thairfor that they sould be called "Commissionars of the Kirk." 4. Concerning the rent? All agreeit in that it sould be but<sup>2</sup> hurt of uther Kirks, and nocht hinder the Dissolution of Benefices.

For my awin part, I protested I wald have na thing ado with the forging or blocking of it in anie sort; for as I saw it working, the best of it wald be bot a corruptioun and tyrannie brought in within the Kirk, to the wrak thairof.

But all the cair and travell of the King's Commissionars was to gett sic thrie men nominat as the King lyked best of; grait devyses and mikle bissines was about that. In end they fand the way to put upon the lyttes<sup>3</sup> a guid number of the thrie Presbyteries that war against tham, that they might be quyt of thair vottes; and sa haiffing moyenned<sup>4</sup> the rest behind, they gatt thair intent, viz., Mr George Gladsteanes, Mr Thomas Buchannan, and Mr Jhone Fearfull. Whilk, when the guid Brethring espyed, they wald giff tham na uther commissioun bot to report fathfullie thair judgment in the Questionnes, and according thairto, to reasone, vot, and conclud, and sie *ne quid Ecclesia detrimenti capiat: Promitten*. to approve and allow na thing bot that quhilk they did lawfullie in that mater.

That Conventioun of the Synodicall Commissionars was keipit

<sup>1</sup> Unanimously.

<sup>2</sup> Without.

<sup>3</sup> Leets.

<sup>4</sup> Influenced.

with the King at Falkland, in the monethe of August thairefter; wharin what was done I can nocht rightlie sett down, because I was nocht ther. For, efter the Conventioun of Perth, I was never at Assemblie nor meitting bot against my will, except in Presbyterie; and my opinioun and wis<sup>1</sup> was, ther sould be na generall meittings, *Rege presidente*, unles it pleasit God to turn and sett his hart utherwayes; for I saw and was certean, we sould ay be farder and farder behind in the sinceritie and libertie of Chryst's kingdome; and they sould ever, a way or uther,<sup>2</sup> gett thair intentes brought about.

Allwayes, in generall, they fand nocht sic fordar in the purpose as they luiked for; and thairfor the Generall Assemblie, that was apointed to be the yeir following, was prorogat almost a yeir, for advysment and better dressing of maters.

[This yeir I cawsit print my Catechisme for the profit of my peiple. It cost me fyve hounder marks, quhilk God provydit be the motion of a maist godlie and loving frind's hart. Of the quhilk soum I abyde addettit,<sup>3</sup> bot never could gett a hounder mark of it again to this hour.]

#### M.D.XCIX.

[In the simmer of the 99 yeir,<sup>4</sup> ther was a meitting of manie Breither with the King and Commissionars in St Androis, for a purpose of aggreiment and concord; and when all professit frindschipe and brotherlie love ane to another, and onlie the difference was in opinionones of proceidings, and anent the conclusionnes past, it was thought meit to refer that to a Conference, quhilk was keipit thairefter in November, in Edinbruche. I trow to mitigat my uncle and mak him amends, it was then that Montrose was maid Chancellor of the Universitie, Mr George Gladsteanes, Vice-Chancellor, and Mr Andro Melvill, Dean of the Facultie of Theologie.]

<sup>1</sup> Desire, wish.

<sup>2</sup> One way or another.

<sup>3</sup> Indebted.

<sup>4</sup> A.D. 1599.



In the mean tyme, at our Synod in September, 1599, a weil-meining brother, my colleg,<sup>1</sup> gaiff in to the Assemblie a certean Anglo-pisco-papisticall Conclusionnes, wherof he haid over guid a warrand of the King's buik, intitulat Βασιλικον δωρον, but because it haid but of accident cum in his hand, and was nocht published, he could nocht be plane. The Synod judget tham treasonable, seditius, and wicked, thinking that sic things could nocht be, and directed tham to the King. The King, knawing the warrand durst nocht be exhibit, gettes knowlage of the brother that gaiff tham in, and sends to apprehend him; bot God watched over him, and saved him. This maid me fean,<sup>2</sup> when I haid resolvit nocht to keipe the Conventiones of the Commissionars, whowbeit wraitten for, to giff obedience, and tak grait peanes, fascherie,<sup>3</sup> and expences, with greiff of mynd, till attend upon<sup>4</sup> sum guid occasioun to gett my brother and colleag relaxit from the horn, and reponed in his awin roum againe. [Strange and vehement war the exerceses of my mynd during that tyme, quhilk God, wha hes a secret delling with his awin secret annes, knawes.<sup>5</sup>] And this was an of the causes for-mentioned why I conteinowd in my Commissionarie, leyd on me be the King and Assemblie. Whilk occasioun I gat never till the fact of St Jhonstoun fell out; and immediatlie thairefter the cause of the Ministers of Edinbruche teatherit<sup>6</sup> me again, sa that I could nocht gett frie till that was disparit; and God leyd his hand upon me be seiknes, wharof heirefter in the awin place.

The conclusionnes, wharby we gatt certean knowlage of the King's determinat mynd in our maters of the Kirk, war namlie these, set down in that Buik<sup>7</sup> as in Testament to his Sonne.

1. The office of a King is a mixed office betwix the Civill and Ecclesiastic Esteat.
2. The rewling of the Kirk weill is na small part of the King's office.

<sup>1</sup> Colleague.    <sup>2</sup> Fain, glad.    <sup>3</sup> Trouble. O. Fr. *fascherie*.    <sup>4</sup> To wait for.

<sup>5</sup> This added by the Author on the margin of MS.    <sup>6</sup> Fettered, entangled.    <sup>7</sup> The King's *Basilicon Doron*.

The righteous Chryst knowes what wrang he and his servands gettes heir.

3. The King sould be judge if a Minister vag<sup>1</sup> from his text in pulpit.
4. The Ministers sould nocht mell<sup>2</sup> with maters of esteat in pulpit.
5. The Minister that appealles from the King's Judicator in his doctrine from pulpit, sould want the head.<sup>3</sup>
6. Na man is mair to be hated of a King nor a proud Puritane.
7. Paritie amangs the Ministers can nocht agrie with a Monarchie.
8. The godlie, lerned, and modest men of the Ministerie sould be preferred to Bischopries and Benefices.  
Without Bischops, the Thrie Esteats in Parliament can nocht be re-established; thairfor, Bischops mon<sup>4</sup> be, and paritie<sup>5</sup> banished and put away.
10. They that preatches against Bischops sould be punished with the rigour of the law.
11. Puritans ar pests in the Comoun-weill and Kirk of Scotland.
12. The principals of tham ar nocht to be suffered to bruike the land.
13. For a preservative against thair poisons, ther mon<sup>6</sup> be Bischops.
14. The Ministers sought till establishe a democratie in this land, and to becom *Tribuni plebis* tham selves, and lead the peiple be the nose, to bear the swy<sup>7</sup> of all the Government.
15. The Ministers' quarrell was ever against the King, for na uther cause bot because he was a King.
16. Paritie is the mother of confusion, and enemie to unitie, quhilk is the mother of ordour.
17. The Minister thinks be tyme to draw the Policie and Civill Government, be the exemple of the Ecclesiasticall, to the sam paritie.

<sup>1</sup> Wander. Lat. *vagare*.<sup>2</sup> Interfere with, meddle.<sup>3</sup> Should be decapitated.<sup>4</sup> Must.<sup>5</sup> Equality.<sup>6</sup> There might.<sup>7</sup> Balance, control.

18. Na Conventionnes or meittings of Kirkmen to be suffered bot be the King's knowlage and permission.

FINIS.

In the monethe of November thairefter, the King, maid to understand that a Conference amangs the Breithring of all sortes wald mak maters to go fordwart peacablie, and all purposes to pas at the nixt Generall Assemblie, send his Missives athort all Provinces,<sup>1</sup> and convocat the specialles of the Ministerie from all partes to Edinbruche against the 17 of November. The soun of the quhilk Conference, als fathfullie and neir as I could collect and remember it, immediatlie thairefter, I sett down as followes :

THE SOUM OF THE CONFERENCE KEIPT AT HALIRUDHOUSE,  
THE 17 OF NOVEMBER, 1599.

*The Preface.*

" BECAUSE the meittings of the last Generall Assemblies war factius, tumultuus, confuse, haitt, and unordour-lyk,<sup>2</sup> least the lyk sould fall out at the nixt, his Majestie, withe advys of the Commissioners, thought meit till apoint this present Conference, and call thairunto of all sortes of the ministerie, zealus and fyrie, modest and grave, wys and indifferent, wherin maters might be quyetlie and gravlie reasonit, and a way prepearit to a decent and peaceable Assemblie, wherin they may be decydit and concludit."

*The Proposition.*

THE proposition was : " That it was permitted to everie an ther conveyned, friely to reasone and schaw thair mynd, bathe upon things concludit in Assemblies and Conferences befor, as also on things to be concludit that war yit in deliberatioun: Provyding alwayes, that na reasone war brought against things concludit in

<sup>1</sup> Sent his Missive Letters through all Provinces.

<sup>2</sup> Hot and disorderly.

Assemblies, but onlie out of Scripture, quhilk may justlie be brought and used against the constitutionnes of anie Assemblie."

The Breithring that stud for the Established Discipline, and disassented from whatsoever Constitutiones, Actes, or Ordinances maid in the leat and new form of Assemblies, prejudiciall to the sam, answerit, they nather could nor wald reasone in these maters, nocht being preparit thairfor, nor meining to prejudge the Generall Assemblie following. I the quhilk, efter the instructioun of God's Word, and calling for his wesdome, they purposed, be his grace, being called thairto, to speak thair mynd cleirly and fullie, as God sould furnise abilitie and warrand be his Word and Spreit.

It was answered, that ther was na prejudice meinit to the Assemblie, bot onlie a preparatioun for it; and in cais anie having occasioun to speak now, being wryttin for be the King for that effect, and keipe upe his reasones and mynd to stand in the head of a factioun thairwith, thairefter, in the Assemblie, he might be counted a fals knave.

The Breithring, being thus urged, accordit to speak as they could remember presentlie, protesting alwayes the saftie of the cause from hurt, that the Assemblie war nocht prejudgit, and that it might be leisome to tham to helpe thair present speitches and reasones, and bring out fordar as they might attein unto, for the weill of the cause at the nixt Assemblie.

Sa the Conclusiones of the Assemblie of Dondie was read, bearing, "That it was neidfull and expedient that Ministers sould vott in Parliament; and that that office was of a mixed qualitie, partlie Civill, partlie Ecclesiastic," &c. In lyk maner was read the thing done at the Conventioun of Falkland, efter the said Assemblie, with the Caveattes for keiping of the saids votters in Parliament from all Episcopall corruptioun, &c. And sa, returning to the former conclusion, the cheiff point of all, it was proponit to be reasonit upon first, and the said Breithring requyrit what they haid to say against the saming?

The Breithring answerit, They knew na warrant of the Word of God for sic a conclusioun; desyrit, thairfor, they might be instruct-

ed of the [same] be Scripture, quhilk, giff they could find, they wald willinglie aggrie and stand content; giff nocht, that conclusioun could nocht be maid in fathe, and thairfor wrang, and to be reformed in thair judgment.

Na scripture was productit, onlie a reasone buildet upon this principall, "*Evangelium non destruit polytiam: Atqui hæc est pars politiae: Ergo,*" [&c.] To the quhilk it was answerit, be distinction of *polytia* in lawfull and unlawfull; and the lawfulness thair of behovethe to be schawin be the Word of God, els Ethnik, Turkishe, and Jewishe polecie might stand withe the Gospell. It was answerit, it was aneuche that the Polecie was nocht repugnant to the Word of God, whowbeit the warrand of everie part of Polecie, and Act of Parliament, or Civill law, war nocht productit: "Therfor," (said they,) "schaw yie the affirmative, that it was repugnant to the Word, the probatioun wherof now comes upon yow."

[Ther was an uther argument rather meinit nor<sup>1</sup> proponit: Ministers war *cives* and *libera capita*; and, thairfor, according to Polecie, behovethe to giff ther consent to the making of lawes in Parliament.—*Ans.* Gif a consent be necessar, it is douted: But (put) ceas it be,<sup>2</sup> they consent to the law in Parliament, ather be the Lords or Barones of the schyre whar they war born and remeanes, or be the Commissionar of the Brouche wherin they war born or dwelles; for, as to his ministerie, it is na part nor point of Polecie nor civill burgeschipe; or, if the mouthe of the Lord is to be consulted, the Commissionar directed from the Generall Assemblie sould be heard.<sup>3</sup>]

It was therfor provin repugnant to the Word of God, and concludit be this syllogisme:—

That Ministers sould be involvit and intanglit with effeares of this lyff, namlie, of Polecie, Civill Judicators, and effeares of Comoun-weill, is against the express Word of God:

"But this conclusion and office thairby imposit, will intanggle and involve tham: *Ergo,*" &c.

<sup>1</sup> Than.

<sup>2</sup> Put the case that it is so.

<sup>3</sup> What is contained within brackets has been taken from a note by the Author on the margin of the MS.

The proposition is proven be the expres Word, 2 Tim. ii. *μηδείς στρατευόμενος εμπλεκείται ταις του βίου πραγματείαις*, whar the word *πραγματειας* meines properlie, effeares of law, jurisdiction, and rewling of the comoun-weill; as 1 Cor. vi. *πράγμα*, for a civill action or cause.

It was answerit, That that place tuk nocht away naturall, oeconomic, and polytic dewties, quhilk necessarlie this lyff requyres; and the quhilk man be done, and may be done of ever ilk an,<sup>1</sup> sa that they involve nocht tham selves, and intangle thairin to the hinder of thair calling.

To that it was aggreit, That ther was certean dewties and simple actionnes to be dischargit now and then for nature, oeconomic, and polecie, be everie an, and sa be Ministers also, for the helpe and nocht hinder of thair cheiff and proper callings. Bot ther was a grait difference betwix sic actiones and dewties to be done, at certean tymes and occasionnes, of urgent necessities, and the discharging of a sett and ordinaire office in a comoun-weill, namlie, in the twa graittest pointes of the majestie and princelie stat *νομοθετικη* and *δικαστικη*, that is, the making of lawes in a comoun-weill, and judging of the subjects according to the sam in the Parliaments, Counsalls, and Conventionnes of Esteattes of the realme, quhilk could nocht be done without intangling and involving in effeares, and sa distraction fra the cheiff charge; as the place it self cleirlye declarit what intangling was, viz., whatsoever might hinder the wariour from doing the dewtie of a souldart,<sup>2</sup> and pleasing his captean.

For the quhilk purpose also, the weghtines of the charge of the ministerie, and graitnes of the cure of saulles,<sup>3</sup> was insisted into; and plainlie affirmed they knew never nor felt the weght thair of, that thought a civill office of government in the comoun-weill might be undertakin and joyned thairwith. Whar mirrelie was cast in the speiche of the Quein of Eingland, when sche makes a Bischope: "Alas! for pitie, (sayes sche,) for we have marred a guid Pretchour to day!" And the King exhorted nocht to mar his Pretchours sa.

<sup>1</sup> Every one.<sup>2</sup> Soldier.<sup>3</sup> Souls.

For corroborating and stryngthening of the reply, this syllogisme was subjoynit :—

“That Ministers sould be distracted from preatching the Word, is against the Word of God :

“But this will distract tham. *Ergo,*” &c.

The expres word, Luc. ix. ver. 59, 60, 61, 62, Chryst sayes to an, “Follow me ;” wha answerit, “Let me first go burie my father.” Chryst answers, “Let the dead go burie the dead, and go thow and preatche the Gospell of the kingdome of God.” Another sayes, “I will follow thie, but let me first go and tak ordour with my hous.” Chryst answers, “Na man putting hand to the pleuche and luikes bak, is meit for the kingdome of God.” Heir ar maist neidfull naturall dewties and æconomic, quhilk Chryst expresslie forbiddes, for steying of the pretching of the Gospell, and attending upon his ministerie. Whow mikle mair, then, incompetent offices, *quæ sunt Cesaris et Reipublicæ* ! as we will schaw heirefter.

The expres word is in the saxt of the Actes. The twoll Apostles sayes to the rest of the disciples, “It is nocht æquitable, or to be approved, that we sould leave the Word of God, and serve the tables : therfor, let deacones be chosine and apointed.” Giff the Apostles wald nocht leave the preatching of the Word for an Ecclesiastic office, because of distractioun, mikle les wald they that Ministers sould leave thair ministerie of the Word for civil and impertinent.

Thridlie, The Scripture calles the Ministers ἀφορισμενους, Rom. 1. —separat and sett apart : And wharfra ? Questionles fra the occupationes of this lyff, to save the peiple and tham selves, and draw tham be the Gospell to the lyff everlasting, to fishe tham out of the sie of this warld to God and his kingdome of heavin. Sa the hail nature of ther calling is separat and sett apart from the warld, to the quhilk they sould nocht be callit bak again, mikle les thairin involved and drownit.

Fourtlie, The Lord's ministerie, under the law, is callit “a war-fear,” Num. iv., and his Ministers “wariours ;” and sa, in the place alleagit in the New Testament, the sacrament and aithe wharof is

maist streat,<sup>1</sup> and na wayes suffers distractioun. For tham was allotted na inheritance, but haid the Lord for thair inheritance, Deut. xviii. 1; Josu. xiii. 14. They say to thair father, I respect him nocht; they ken nocht thair breithring, they acknowlage nocht thair sonnes, bot keipes the Lord's words, and observes his Covenant; teatches Jacob his judgments and his law to Israell, settes incense befor his face, and brunt offerings on his altar, Deut. xxxiii. Then, mikle mair the Ministers of the New Testament, because of a graitte and cleirar grace, spirituall and frie from beggerlie ceremonies and elements of this warld.

And, last, to conclud this poinct with that maist wechtie and grave attestatioun of the Apostle to Timothe, ii. 4: "I attest the befor God, and the Lord Jesus Chryst, wha sall judge the quick and the dead at his appeirance and kingdome: Pretche the Word; be instant in tyme, and out of tyme; convict, reprove, exhort, with all lang-suffring and doctrine." And, in the fourt of the first, "Tak ceare of thir things, be about thir things." And ar thir things spoken to Timothe onlie, and nocht to all Ministers and Pastors? And gif they be spoken to all, what tyme, I pray yow, is left to be employed at Parliament, and in the effeares of the comoun-weill? The devill is a bissie Bischope, and goes about lyk a roaring lyon; and wha sall giff a compt of the torn scheipe, or stollen, in the Pastor's absence? And, finalie, that thrifauld<sup>2</sup> demand to Piter, *Amas me?* and charge, *Pasce Agnos*, &c. pertienes it nocht to all?

It was objected, that we fell in the sam absurditie with the Papists, that gatherit thair *Celibatum* out of the words of the Apostle, 1 Cor. vii. *Conjugatus curat quæ sunt mundi, quomodo placeat uxori*. And gif ane with a Ecclesiastic or pastorall charge may have the charge of wyff and familie, wharfor nocht of the comoun-weill? And the Apostle sayes, that "He that ceares nocht for his familie, is wars nor<sup>3</sup> an infidell."

It was answerit, That the Papists' argument was frivolus from the abbus of mariage to the taking away of the benefit thair of, being

<sup>1</sup> Stringent, strict.<sup>2</sup> Threefold.<sup>3</sup> Worse than.



apointed be God, and rightlie serving for the helpe of man in his calling; and na thing lyk unto this, wherin an evident intangling and distractioun may be sein. And to answer for the caring for the hous and tham that ar thairin, that is meined<sup>1</sup> for instructioun and rewling thair of be Christian discipline, as is evident out of the 3 Chap. ver. 4, be the word *προσῆναι*, he that can nocht rewall and govern his awin hous, whow sall he have cair *ἐπιμελητῆ* of the Kirk of God? For the Apostle is cleir in that point, 1 Cor. ix. That the flocks sould provyde for thair pastors, tham and thair families, the things that ar neidfull for this lyff, as the Captan or Prince for his souldarts, and they maid frie till attend on thair service.

It was insisted, that ther was als mikle distractioun and tyme spendit in our Commissions and Visitationes, in awatting on Plattes and pleyng<sup>2</sup> of Stipends, attending on Parliaments and Conventiounes, &c.

Answerit: That these war the wantes, imperfectiones, and corruptiones of our Kirk, as yit nocht weill constitut, wharof the fault is in the Magistrat and flockes, schawin, compleanit upon, and rebuked at all occasiones be the Word of God, quhilk hes na place to prove anie thing in this mater, *ubi quæritur, quid fieri debeat, non quid fiat?* And as for Commissionars for Visitatioun, we ar occupied thairin in our awin subject, in pretching the Word, exerceising discipline, and using of censures; and that nocht ordinarlie or be sett office, bot *ex necessitate Ecclesie, et pro re nata*.

It was fordar insisted, that we granted till obey and com to the King's Majestie when soever he called for us, quhilk was all an<sup>3</sup> with that in question.

Answerit: His Majestie now or then calling for us, we might repear to his Hienes, and giff our advys in all things *de Jure Divino*, or utherwayes as *cives*, sa that the benefit redounding to the Kirk or Comoun-weill thairby preponderat and weyed down the hurt of our particular charges. But it was *longe aliud* to have an ordinar office to discharge in the King's Counsall and Parliament; for, as

<sup>1</sup> Meant.<sup>2</sup> Pleaing, litigating.<sup>3</sup> All one, all the same.

was twichted befor, ther is a grait difference betwix a certean actioun to be done now and then, as necessitie and occasioun craveth, and a sett office to be ordinarlie discharged.

It was objected, That the Generall Assemblie haid alwayes from tyme to tyme cravit this votting in Parliament; and now, when the King offers it, it was evill thought of and refusit.

Answerit: The Assemblies haid oftentimes cravit that nan sould vott in Parliament in nam of the Kirk, bot sic as buir office within the sam, and haid commissioun thairfra. Bot that anie Generall Assemblie, befor the last in Dondie, haid determined that Ministers sould vott in Parliament, it was flatlie denyed: And it was schawin that often tymes that question haid bein agitat in Assemblies and amangs breithering, bot could never be fund whow it could stand with the office of a Minister to be a Lord in Parliament, nor was able to be schawin be the Word of God.

It was then demandit, wha could vott for the Kirk, giff nocht Ministers?

Answerit: It might stand better with the office of an Eldar and Deacon, nor of a Minister's, they having commissioun fra the Kirk, and subject to rander a compt of thair doing at the Generall Assemblies. And that, indeid, we wald als fean have the Kirk injoying hir awin privileges as anie uther, and have his Majestie satisfieit, and the effeares of the Comoun-weill helped, bot nocht with the hinder, wrak, and corruptioun of the spirituall ministerie of God's worschiping, and salvatioun of his peiple.

It was replyit, That it war better for the Ministers to be thair awin carvers, and sie to the weill of the Kirk, bathe in the ordering and provision thair of tham selves, rather nor commit it to uthers, wha wald cear bot sklenderlie for it.

Answerit: That the King and his Nobles gave the ministerie credit and onlie place in spirituall maters, sa that they wald nocht tak the sacraments, nor uther benefites of the Kirk, at thair awin hands, nor of the hands of na uther. They wald nocht think thair bernes weill bapteised, nor the Supper weill ministrat, nor thair mariages blessed, bot be sum Minister. And gif his Majestie gave

us sic credit, authoritie, and place, in things perteing to the saull, as proper to our office, why sould we nocht giff him and his Lord's the lyk in things perteing to the body and this lyff, as proper to tham and thair office; and think it als grait absurditie to mell<sup>1</sup> thairwith our selves, &c.?

It was objected, That the Kirk was in possessioun of voting in Parliament be Bischopes, viz. Mrs Jhone Dowglas, Patrik Adamson, David Cuningham, and uthers.

Answer: Sen the Generall Assemblie hauldin at Dondie, *anno* 1580, whar that office of a Bischope was declarit unlawfull be the Word of God, the Kirk cryed out continualie against tham, and excepted against all ther doings in Parliament or els whar, as having na lawfull office in the Kirk, nor na commissioun fra the saming.

Therefter, place being given, ther was producit ane uther argument to schaw the conclusioun repugnant to the Word of God:—

“ That Ministers sould bear supremacie, dominioun, and be called ‘Lords,’ is against the Word of God :

“ But the conclusion imports that: *Ergo*,” &c.

The propositioun is cleir out of the thrie Evangelists, Math. xx., Marc. x., Luc. xxii., and 1 Piter v. iii.; and, *Nolite vocari Rabbi*, etc. This reasone was nocht insisted into, nor answerit for want of tyme. Lykas also ane uther, in the sam maner:—

“ The confounding and mingling of Jurisdictions, distinguist in the Word of God, is repugnant thairunto :

- “ But the conclusioun imports that: *Ergo*,” &c.

The propositioun is evident of the 2 Chron. xix., and, *Quis constituit me Judicem?* and, *Date quæ sunt Cæsaris Cæsari, et quæ Dei Deo*, etc. Chryst refused to devyd the inheritance amangs breithring, to judge the adulteres, Jhon viii. He refused to be maid King, and professed that his kingdome was nocht of this warld.

Heir was declarit at lainthe, and yerie weghtelie, be Mr Andro, be what meanes and degries the Pape was hoised upe<sup>2</sup> into that chaire of pestilence, wherout of he tyrannises over all Kirks and

<sup>1</sup> Meddle, interfere with.

<sup>2</sup> Elevated, hoisted up.

Comoun-weills, tramping Kings under his feit, and transferring thair crownes and dominiones at his pleasur; and all from this usurping of bathe the powars and swords, the Civill and Ecclesiastic. In end, a siccer<sup>1</sup> Caveat was given to the King, to be war he sett nocht upe sic as sould cast him or his down. And this mikle anent the conclusioun of the last Generall Assemblie, as memorie might serve.

Therefter was proponit the twa poincts left be the said Assemblie to the meitting at Falkland, and ther also left undecydit or determined upon. 1. Gif these votters in Parliament, being annes<sup>2</sup> chosin be his Majestie and the Kirk, sould bear that office *ad vitam* or *culpam*, and sa be perpetuall; or, gif they sould be alterable fra tyme to tyme at the Assemblie's pleasour? 2. Gif they sould bear the nam of "Bischofes," or nocht?

Against the perpetuities, the distractioun fra thair spirituall office of the ministerie was mikle urgit againe; schawing, cleirlye, that sic a continuall charge and burding lying on a few, could nocht bot debaush and distract tham alluterlie<sup>3</sup> from the pastorall attending and feidding of thair flockes; the quhilks they behoved to commit to sum Vicares and sum Suffraganes.

For the perpetuities thir arguments war usit:

First, That thair wald na man tak the peanes, and mak the expences upon the tytyle of the benefice, to giff it over the nixt yeir to an uther.

It was answerit, That we war nocht upon men's particular commoditie, bot seing what might be for the helpe and guid of the Kirk and Comoun-weill, to the quhilk sic wald never do guid wha war seiking thair awin honour and welthe.

Nixt it was reasonit, That the hinder of all comoun turnes was be twa inleakes<sup>4</sup> cheiffie; ane of skill and understanding of maters, and right way of proceeding thairin; ane uther of continuance and attendance constantlie on tham being annes begoun, till they war

<sup>1</sup> A sure, strong.

<sup>2</sup> Once.

<sup>3</sup> Entirely, altogether.

<sup>4</sup> Defects.

brought to sum guid poinct and effect : Bot sa it was, that gif these comoun men sould be changable, they could nather lern skill,<sup>1</sup> nor prosecut things : *Ergo*.

Answer : They might gett mair skill of the wit and lawes of men, and les of the wesdome and buik of God ; mak mair attendance on Court and the warld, bot les on Chryst and his Kingdome. And it was hard to perswad us that a few wald sie sa mikle for the weill of the Kirk as a haill Generall Assemblie conveinit for that effect, or follow out a guid comoun cause better and mair constantlie, seing experience alwayes teatched, that they wha wilbe ritche and honourable, are mikle about the saming, and verie litle for Chryst.

At last thir reasones and inconvenients war brought out dilated, and insisted into against perpetuities :

First : It wald brak the barres of all thair Caveattes, and, but dout,<sup>2</sup> establishe lordschipe over the breithering, tyme stryngthening opinioun, and custome confirming conceat. And gif the best devyce hes be tyme turned to corruptioun, mikle mair this of the lawfulness wharof we justlie dout.

To this was answerit, That parities<sup>3</sup> amangs Ministers was nocht to be lyk, and sould nocht be. And put the cais, it behoved to stand, because of our constitutiones and ordour : They sould be *pares* and alyk as Ministers, whowbeit, in respect of thair civill office and lordschipe, they war abon the rest.

Nixt, perpetuities wald bereave and defraud the Kirk of the benefit and libertie of electioun and choise of the meittest for the turn, *pro rei natæ commodo*.; for it is sure that all men ar nocht meittest for all turnes, etc. Answerit : The meittest sould be chosin at the beginning, wha wald grow ay meittar and meittar ; also that it was frie to the Kirk till adjoyne sic as they pleasit to tham for counsall and assistance. It was replyit, That sic as war adjoynd wald nocht be hard to reasone nor vott in Parliaments, Conventiones, and Counsall.

Thridlie : Manie alterationnes befalls to mortall men : They may

<sup>1</sup> Experience, knowledge.

<sup>2</sup> Without doubt.

<sup>3</sup> Equality.

be seik in body, fall in offences, quhilks, albeit nocht mak tham worthie to be deposit, (*nam difficilius ejicitur quam non admittitur hospes*,) yit may disgrace them sa that they becom unable and unmeit to do anie guid in comoun turnes; they may tyne the gifts of mynd and utterance, etc. In sic ceasses, this perpetuitie will defraude the Kirk of an in that roum; for sic a man, an or ma, can nocht nor will nocht be deposit, and a Commissionar in his place will nocht be admitted.

It was answerit, The number of Ministers admitted, and ordeined to vott, viz., fiftie, was sa grait, that whowbeit an, twa, thrie, four, or ten or twoll, war away, ther might be anew behind. Replied: It wald be lang or sic a number war weill sett down and provydit with guid Lords' leivings in Scotland; and when they war, ther might be anew, and mair nor anew, behind of the guidnes they wald be of; bot an guid man might be mair stedable to the Kirk nor an and fiftie of that sort.

Fourtlie: Gif these men serve for the Prince and Steat, whowbeit against the weill of the Kirk, the Prince will meantein tham ather be his autoritie and moyen amangs the breithring in Assemblies, having ther lyff and gear in his powar, sa that they will nocht fear depositioun; or whowbeit the Assemblie wald depose tham of the ministerie, yit wald the King cause him keipe his lordschipe and leiving. And sa sould they sett tham selves to be advengit on the Kirk, to hir wrak.

Answerit: Ther was na thing sa guid bot might be bathe ill suspected and abusit; and sa we sould content with na thing. Replied: That we doutted of the guidnes, and had over just cause to suspect the evill of it. Duplyit: That ther was na fault bot we war all trew aneuche to the craft. Bot God mak us all trew aneuche to Chryst, say we.

Fyftlie and last: This perpetuitie will overthrow the powar and libertie of the Assemblies of the Kirk, and altar the Christian Government of the Kirk to Antichristian Hierarchie, placing perpetual Commissionars or Bischopes above Ministers and ther Assemblies, and syne sum ministeriall head mon be abon tham, the hie way to Paprie! At least the haill powar of the Kirk and Generall Assem-

blie salbe in the hands of these twoll or threttein, wha, I warrand yow, will tak na limitat Commissioun from the Generall Kirk, bot to reasone and vott as they think best for the weill of the Kirk, for-suthe; sa this epitome will abolishe the grait wark, and the Generall Assemblie will becom to be bot a Chaptour of these Bischopes, and skarslie that.

Answer: The Caveattes hes provydit for all these inconvenients weill aneuche. Reply: These comentares wilbe tedius to reid, and ill to remember, and the text taken to be schort and cleir aneuche in the selff.

In end, ther was alleadgit a number of inconvenients that sould fall out giff these vottars war nocht perpetuall:—1. That his Majestie and Esteattes wald nocht admit tham in Parliament utheways, and sa we sould lose the grait benefit. Answer, *Facilis jac-tura*. 2. That the Ministers sould ly in contempt and povertie. Answer: It was thair Maister's cais befor tham; it may serve tham weill aneuche to be as he was; and better povertie with sinceritie, nor promotioun withe corruptioun. 3. That uthers wald be promovit to that roum in Parliament, (for his Majestie could nocht want his thrie Esteattes,) wha wald opres and wrak the Kirk. Answer: Let Chryst, the King and advengar of the wrangs done to his Kirk, and tham dell togidder, as he hes done befor; let sie wha gettes the warst! 4. That it could nather stand for the weill-fear of King, nor Kirk, nor Comoun-weill. Answer: It was best that God thought best. 5. That it wald be fashius and confuse ilka yeir to chuse Commissioners. Answer: Na profit nor pleasure without pean-taken, and experience haid proven it maist easie and ordourlie. 6. That it wald breid variance and contentioun, whill a end wald preas to have sic, and another sic, and sa forthe. Answer: Tak away profit and honour, and contentioun will ceas. 7. Men wald be that way disgraced, now sett upe, and now sett by and cast down, and sa discouragit from doing guid. Answer: He that thinks it disgrace to be employed as God's Kirk thinks guid, hes lytle grace in him; for grace is given to the lawlie.

Thus, efter a thrie or four houres dealling in the former heades, it

was thought insisted lang aneuche thairon ; and thairfor the point remeaning concerning the nam of these Vottars in Parliament sould bear, was proponit to be reasonit upon.

It was reasoned for the Affirmative: That aggreing upon the mater and substance, it maid nocht what nam war giffen it.<sup>1</sup> And seing the Parliament last haid granted to the mater, under conditioun the Ministers votting in Parliament sould bear the nam and office of "Bischopes," quhilk was also a name of Scripture, we sould nocht stand till aggrie thairto, lest the refusing of the name sould mak the benefit to be refused, quhilk his Majestie haid gottin past in favours of the Kirk with grait peanes and difficultie.

It was answerit: That the nam *πίσκοπος* being a Scripture nam, might be giffen tham, provyding, that because ther was sum thing mair put to the mater of a Bischope's office then the Word of God could permit, it sould have a lytle eik put to the nam quhilk the Word of God joyned to it, and sa it war best to baptize tham with the nam that Piter, 1 Cap. iv. giffes to sic lyk officers, calling tham *ἀλλότριοςπίσκοπος* war nocht they wald think scham to be merschallit<sup>2</sup> with sic as Piter speakes of ther, viz., murderers, theiffs, and malefactors? And verelie that gossope<sup>3</sup> at the baptisme (gif sa I dar play with that word) was na litle vokie<sup>4</sup> for getting of the bern's name.

But, in earnest, it was reasonit on the contrar, That the nam of "Bischope" could nocht be giffen tham for these reasones, the quhilk war nocht fullie handlit, nor replied unto, partlie for want of tyme, and partlie for want of patience, because of litle speid in the purpose.

1. Giff they sould gett the nam of "Bischope," they behoved to have it ather as it was taken properlie in the Word, or as it was comounlie conceavit be the peiple. Bot nather of the twa could thay: Nocht as in the Word, because it sould be applyed to signifie

<sup>1</sup> It signified not what name was given it.  
think shame to be marshalled.

<sup>2</sup> If it were not that they would  
<sup>3</sup> "This was Andro."—Margin of MS. *Gossip* properly signifies sponsor or god-father at a christening or baptism.

<sup>4</sup> Another  
and older form for *vogie*, vain, elated, proud of the honour. Fr. *vogue*.



that quhilk could nocht stand with the Word, as hes bein declarit, except it war, *Judas Episcopatus* : And nocht as it is comounlie taken, because then it sould import the corruptioun of Antichristian and Anglican Bischopes, contrar to the Caveats.

2. That quhilk offendes the Kirk of God sould be eschewit, altho a thing indifferent, for sa it becomes evill : Bot this nam of Bischope offendes the Kirk of God in this land : *Ergo*, &c.

3. That quhilk justlie may sklander the Ministers and bring tham in disgrace sould be avoidit, bot giffing to them of that name will justlie sklander them ; because, these twentie yeirs, thair doctrine from the pulpit hes soundit against Bischopes, till they war utterlie overthrawn : And now sa soone to turn our tounge, for  
— hope of ritches and promotioun, and change our not,<sup>1</sup> with the  
— clock<sup>2</sup> on the uther shoulder, will it nocht offer just occasioun of sklander ?

4. That quhilk may and will bring in tyranie and corruptioun in the Kirk, is nocht to be admitted within the sam. Bot this will do it : For bearing that nam that caries with it the significatioun of Bischopes, corruptiones amangs the peiple, all the Caveattes will nocht keip it thairfra, namlie from inæqualitie, pre-eminence, and lordschipe over the breithring. For they wilbe sa esteimed and saluted amangs the rest of the Lords in Parliament and Court, and I warrand yow thair maners and faciones will easelie fram thairunto, bringing from Court to Kirk sic behaviour as they drink in ther ; for being callit “ Lord ” at ilka word,<sup>3</sup> and bruing<sup>4</sup> principall roumes<sup>5</sup> in Court and Parliament, they will luik verie soure gif they want the sam in Kirk and amangs the breithring and peiple ; yea, and be siccar<sup>6</sup> in thir, even at Plat, Court, and utherwayes, whom they think to contemne tham, and nocht giff tham thair styles and honors.

And sa for that night, leat, we war dimissit. .

Upon the xix. of November, the breithring wryttin for being as-

<sup>1</sup> Note.

<sup>2</sup> Cloak.

<sup>3</sup> At each word.

<sup>4</sup> Enjoying.

<sup>5</sup> Places.

<sup>6</sup> Sure, secure.

semblet again with his Majestie, the Moderator reported schortlie the things conferrit upon the last day, requyring yit, that gif ther was anie man wha was nocht satisfeit anent the heads conferrit upon, that they wald yit insist; and gif all war satisfeit, they sould proceed to the point remeaning anent the nam.

It was answerit plainlie be the Breithring that stud against this new forging of Bischopries, that they haid hard to and fra reasoning upon the pointis proponit; they war throuche<sup>1</sup> and satisfeit in their awin judgments for the treuthe, and rather confirmed fordar thairinto nor<sup>2</sup> anie wayes moved to the contrar, for ought that haid bein spokan; wherin they haid hard na thing out of the Word of God, quhilk might warrand that conclusion of the last Assemblie, to thair conscience, or anie thing yit buildit, or to be buildet thair-upon. And in speciall, Mr Andro appealit the Moderator, Mr David Lindsay, maist weghtelie and vehementlie on his conscience, That seing he was an of the antient fathers of the Kirk, wha was present at sa manie godlie and grave Assemblies, hauldin sa manie yeirs anent these maters, and wharin they war cleirly decydit be the Word of God, whow could he now mak sic a proposition, or think that anie sattlit man in the treuthe could, be a light Conference, wherin the Word of God haid bein rather profaned then holelie, reverentlie, and gravlie usit, be moved to alter his judgment, and be satisfeit in the contrar?

This word of the profaning of the Scripture was takin in verie evill part by the King, and answerit courteously with a lie; whowbeit, the speaker condemnit him self for undewtifull handling of the Word, als weill as anie uther. Sa the King, in end, brak af the Conference thus, in effect:—That he haid bein movit be the Commissioners to appoinct this Conference, for satisfaction of sic as war nocht resolut, that maters might proceed mair peaceablie and uniformalie; bot seing he perceavit men to be sa full of thair awin conceattes, and pre-occupied in judgment, that they plased tham selves mair and mair, and war rather obfirmed<sup>3</sup> in thair opi-

<sup>1</sup> Resolved.<sup>2</sup> Than.<sup>3</sup> Confirmed.

niones nor<sup>1</sup> moved to giff place to reasone, he wald leave the mater to the Assemblie. Giff<sup>2</sup> the Assemblie wald receave the benefit quhilk he offered, and conclud in the mater accordingly, he wald ratifie thair conclusioun with a sanctioun civill of his law, that nan, following thair particular and privat conceatt and opinioun, sould be permitted to speak against the publict ordinance of the Assemblie. Giff the Assemblie wald nocht embrace the benefit, let them wait<sup>3</sup> them selves giff graitter povertie and contempt cam upon the Kirk. As for him, he could nocht want an of his esteattes; he wald put in that roun, and these offices, sic as he thought guid, wha wald accept thair of, and do thair dewtie to him and his countrey.

FINIS.

M.DC.

The last night of Februar thairefter, my father-in-law, Jhone Durie, departed this lyff; wha, as he leived happelie, walking with God in prayer day and night, sa he died, glorifeing God with grait joy and assurance of everlasting lyff and weillfear. For, efter he haid called for the Magistrats and Counsall of the brouche, and exhorted tham, and admonished of certean things for thair weill, bathe togidder and severalie,<sup>4</sup> and siclyk the Eldars of his Sessioun, and divers of the Breithring of the ministerie; and at last, efter he haid put his hous in ordour, and directed, instructed, and confortd his wyff and childring present, he takes him to privat meditatioun and prayer; and thairefter inquyres what day of the monethe it was; and being answerit to him, that it was the last of Februar, [and the morn the first of Merche,<sup>5</sup>] "O ! then," sayes he, "the last day of my wretched pilgrimage, and the morn the first of my rest and glorie !" Nocht lang thairefter, delyvering his saull in the hands of God, throw Jesus Chryst, leaning his head to his eldest sonnes breist, wha held him in his armes, maist quyetlie and sweitlie giffes upe the ghaist. He was upright, zealus, and falon<sup>6</sup> familiar with

<sup>1</sup> Than.

<sup>2</sup> If.

<sup>3</sup> Blame, *wyte*.

<sup>4</sup> Separately.

<sup>5</sup> Margin.

<sup>6</sup> Extremely.

God. Sa that, gif anie thing haid bein heavie and doutsome,<sup>1</sup> he haid na resolutioun, rest, nor releiff, till he haid fund it in meditatioun apart with God. And surlie, bathe in his particular turnes and publict effeares, when things seimed falon hard, and dangerus, whowbeit of nature melancolius and feirfull,<sup>2</sup> he wald gett grait assurances; as, namlie, of our retourn out of Eingland, and of our saiftie fra the Spainyars, he schew<sup>3</sup> me oft tymes that his God assured him night and day thair of. Whatever haid com comfortable to him, incontinent apart to prayer and thanksgiffing; his haill conference and speaking upon the warks of God to the glorie of his name; all uther things was (as he usit that word oft, "tyn-tyme") bot vanitie and tinsall of tyme<sup>4</sup> to him. Sa that I may say, the haill course of his lyff that I knew was an unweiring and constant occupatioun in doctrine, prayer, and praise. The mair I think on him, the mair I thank God that ever I knew him; praying God, that, as I have sein the outgeat<sup>5</sup> of his conversatioun, (as the Apostle sayes, Heb. xiii. 7,) sa I may follow the sam in fathe. He oft regrated and inveit upon the warldle fasones and bissines of the ministerie, saying, he fearit they sould becom als vyll in the peiple's eis as ever the preists war. And as concerning this mater of Bischopes, my uncle, Mr Andro, expressit his mynd thairin in his Epitaphes, quhilk being maist pertinent for that quhilk was, even at his deathe, in hand, I have heir insert. He desyrit, indeid, earnestlie to have levit<sup>6</sup> till the Assemblie, quhilk was hard at hand, that he might have dischargit his mynd to the King and Breithring; bot that quhilk alyve he could nocht, Mr Andro supplied fathfullie efter his deathe.<sup>7</sup>

<sup>1</sup> Doubtful.  
time.

<sup>2</sup> Timid, predisposed to fear.

<sup>5</sup> Utterance.

<sup>6</sup> Lived, survived.

<sup>3</sup> Shewed.

<sup>4</sup> Loss of

<sup>7</sup> Nota.—"It is guid to be honest and upright in a guid cause; for the guid cause will honour sic a persone, bathe in lyff and deathe."—Note by the Author on margin of MS.

EPITAPHIUM DE JOAN. DURÆI,  
PASTORIS INTEGERRIMI ET FIDISSIMI CELURCANI ; QUI DIEM EX-  
TREMUM CLAUSIT, CAL : MART : 1600.

I.

DURIUS ore tonans, Edena pastor in urbe :  
Arcuit a stabulis, quos dabat aula lupos.  
Celurcâ in cœlum migravit nunc, quia non quit  
Arcere a stabulis, quos dabat aula lupos.

II.

IPSE DE SE, SIVE J. D. PASTORIS FIDELIS.  
TESTAMENTUM ET EXTREMA VOLUNTAS.

Intonui ipse tuba grandi, cum jus fuit et fas ;  
Arcere a stabulis quos dabat aula lupos.  
Nunc cedo statione lubens, cum non datur ultrâ  
Arcere a stabulis, quos dabit aula lupos.

III.

ALIUD DE SYNODIS.

Res grata ac jucunda fuit, mihi cœtibus inter-  
esse sacris, quando sancta corona fuit.  
Nunc patribus sanctis, quia successere profani ;  
Quæ mihi cum diris spes ululare lupis ?

IV.

ALIUD.

Cum fuit Archi-unus mihi Christus Episcopus ; uni  
Vivere et in vita hac, vita, placere fuit.  
Nunc postquam Archi-unus non Christus Episcopus ; uni  
Ut Christo moriar stat mihi vita mori.

## V.

## ALIUD.

Celurcæ expectabam, ultro Regemque patresque,  
Et sanctum in Lethi limine Concilium.  
Quo multum obtestarer ego Regemque patresque  
Est qui ovium custos, ne siet inde lupus.  
Nunc quia me e terris sublinem ad sydera cœli,  
Dux meus imperio de statione vocat ;  
E cœlis obtestor ego Regemque patresque,  
Est qui ovium custos, ne siet inde lupus.

## VI.

## AD SYMMISTAS.

Ardua res, totumque hominem, hæc res una requirit,  
Cœleste in terris pascere ovile Dei.  
Huc vocat ille ovium Pastor bonus, ille vocatos  
Et regni atque aliis avocat a studiis,  
Hanc unam imponit cum sollicitudine curam,  
Quam feret impensam, præmia magna ferens.  
Cætera de manibus vestris non ille requirit :  
Neglecti at pœnas exiget officii.

## VII.

## EXTREMA VOLUNTAS, ET VERBA, AD REGEM.

Compellat Regem Divino carmine vates  
Durius, in fati limine dulcis olor.  
Inclyte Rex, qui tam mihi Regum a Rege secundus ;  
Quam spe reque omni Rege priore prior.  
Pro te vitam ultro objeci vel mille periclis ;  
Pro te vota Polo millia multa tuli ;

Pro te quo pugnavi animo, qua mente precatus ;  
 Hac mente, hoc animo, hoc te precor unum abiens.  
 Ne regnum cœleste geras mortalibus ausis ;  
 Neu sacer Antistes Rex tua sceptrâ gerat.  
 Mystica pertractent mystæ, regalia Reges,  
 Publica jure suo, publicus ordo gerat :  
 Da divina Deo : cape Rex tua, sint sua plebi :  
 Distinctum imperium sub Jove Cæsar habet.

FINIS.

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[TRANSLATIONS OF THE PRECEDING.]

THE EPITAPHES OF A MAIST UPRIGHT AND FAITHFULL PASTOR,  
 JHONE DURIE, MINISTER OF MONTROSE, WHA DIED  
 THE FIRST OF MERCHE, 1600.

In Edinbrouche, the thoundring of Jhone Durie weill was harde,  
 When courtlie wolffes from Chrystes flock be flegged and debarde.  
 Now, in Montrose, to heavin he flites, for greiff that he can nought  
 The courtly wolffes debar from Kirk, quhilk Chryst hes deirlie  
 [bought.

II.

HIS TESTAMENT OR LETTER-WILL, HE UTTERING IT OF HIM SELF.

I blew a trumpet terrible, when right and fredom serv'd,  
 To mak Chryst's flock from courtlie wolffes be keiped and preserv'd ;  
 Bot now I willinglie mon yield, sen that we may na mair  
 Keipe Chryst his flock from courtlie wolffes, wherof we stand in fair.

## III.

## ANE UTER OF THE ASSEMBLIES.

A gratfull and a pleasand thing to me it was to bie  
Ay present in Assemblies, whare God's servands I might sie.  
But now, for holie fathers, when profane usurpes the place,  
To byd and yeaule with wicked wolffes, I can nocht have a face!

## IV.

## ANE UTER.

When Chryst was onlie Arche-bischope, I pleasure haid to byde,  
To him to live, and him to pleise, I lyked tyme and tyde.  
Bot now, sen onlie Chryst is nocht Arche-bischope, I do chuse  
To die to him, and ay to live, and all the warld refuse.

## V.

## ANE UTER.

I luiked gladlie for the King and Breithring at Montrose,  
And at the dur of Deathe to sie Assemblie maid of those;  
That I might earnestlie obtest the King and Breithring all,  
That keippars of the scheipe sould nocht to wolffishe fasones fall.

Bot sen that now from erd till heavin my Captan does me clam,  
According to his right, I do beseik tham all for schame,  
Furthe of the heavines obtesting bathe the Breithring and the King;  
That keipars of the flock of Chryst do nocht as wolffes owerling.

## VI.

## TO HIS FELLOW MINISTERS.

A thing maist hard, and quhilk requyres the man all hail indeid,  
Is heire on erthe the heavinlie flock of Chryst to gyd and feid.



That Pastor guid to this does call, the sam does sepat  
The called from all warldlie cares, as to him dedicat ;  
And this, as onlie cear, he does withe grait sollicitude  
Impone, and of rewards for it does promise multitude ;  
And as for uther things, he will nan of your hands requyre,  
Bot fathles negligens of this, he plagges with burning fyre.

## VII.

## HIS LETTER-WILL, AND WORDS, TO THE KING.

Jhone Durie, with a vers devyne, does call upon the King,  
As sweitlie singing swan, when deathe his dayes till end did bring.  
O noble King, whom I esteim to bruik the second place  
Nixt under him wha is abon, and first in everie cace.  
For thie I jeoperd have my lyff in dangers manie an ;  
For thie my praer hes aydant<sup>1</sup> bein, bathe public and allan,  
And withe what mynd I praed for thie, and with what hart I faught,  
Withe that sam mynd and hart at deathe, this on thing I have saught.  
Let nocht the heavinlie Kirk of Chryst be rewld on erthlie wayes ;  
Let nocht the Pastors for to twitche thy scepter interprese.  
Let Ministers, all mystic things, and kinglie Kings intreat ;  
Set Counsallars for civill things, and Lords into thy seat.  
Giff things devyne to God, tak thyne, let peiple have ther awin ;  
For under Chryst, the King impyre, distinguisht hes and knawin.

FINIS.

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The Generall Assemblie conveynit at Montrose in Merche 1600.  
Ther was the King, in maner wounted, occupied with his Commis-  
sionars. The Moderator last [Mr Peter Blakburn, now Bischope

<sup>1</sup> Constant, anxious.

of Aberdein<sup>1]</sup> delyverit verie guid doctrine befor noone, bot he was brought in effect to recant it at the efter noone befor the hail Assemblie, to the grait greiff of guid Breithring, a grait stepe from a preceise honest Minister to a Bischope of this new strak,<sup>2</sup> quhilk he becam the yeir efter.

The sam polecie was usit to gett a Moderator for thair purpose, quhilk wes in the Synod of Fyff formentioned: For they put a number of the best and maist estimed Breithren upon the leittes, wharby the ring-leaders in votting was removed, and the vottes of the best Breithring distracted; sum giffen till a man, an sum to an other; and, in the meantyme, sic as the King was sure of ged all a gett.<sup>3</sup>

Nixt, it was thought best to put the choise of the hail Assemblie upon the Conference, and ther to reasone all maters, wharby they might knaw what to bring in publict, and whow.

In the Conference,<sup>4</sup> first was intendit a treatie for uniform consent and aggreiment in opiniones; and, thairfor, it was thought guid that four of the an opinioun, and four of the uther, sould go asyde to a chalmer tham alean,<sup>5</sup> and confer togidder; the quhilks aggrieng wald giff guid hope of an universall [agreement.] Thir aught<sup>6</sup> spendit an efter noone verie fructfullie; for we war verie plean, squar, and compendius, efter protestatioun befor God to be secret; and, indeid, I luiked for sum guid effect of our travelles. But on the morn, when we on our part were to continow and go fordwart, the King wald have na mair of that form, but wald have the reasoning in the Publict Conference befor him selff and certean of his Counsall, with the hail number of tham that war nominat be the Assemblie upon the Conference. And sa we entered in reasoning, as followes:

<sup>1</sup> Written on the margin of MS.    <sup>2</sup> Strike, stamp. In allusion to a newly coined piece of money just *struck* at the mint.    <sup>3</sup> Went all one road.    <sup>4</sup> This was termed "The Privie Conference."    <sup>5</sup> Alone, apart by themselves.    <sup>6</sup> These eight.

CERTEAN ARGUMENTS USED AND PROPONED IN THE CONFERENCE  
AT THE GENERALL ASSEMBLIE HAULDEN AT MONTROSE IN THE  
MONETHE OF MERCHE 1600, WITH THE ANSWERS GIFFEN AT THAT  
TYME, SHORTLIE MINUTED.

"First, the act of Parliament 1597, the title wharof is, 'That all Ministers provydit to Prælacies sould have vot in Parliament,' was requyrit to be redde; the tenor wharof followes:

"Our Sovereine Lord and his Esteattes in Parliament, have and speciall consideratioun and regard of the grait privileges and immunities granted be his Hienes' predecessours, of maist worthie memorie, to the Halie Kirk within this realme, and to the speciall persones exerceising the offices, titles, and dignities of Prælacies within the sam; quhilks persones hes ever represented an of the Esteattes of this realme in all Conventions of the saids Esteattes: And that the saids privileges and fridomes hes bein from tyme to tyme renewed and confermed in the sam integritie and conditioun wharin they war at anie tyme of befor; sa that his Majestie acknowleges the saming now to be fallin and becoming under his Majestie's maist favorable protectioun. Therfor his Majestie, of his great zeall, and singular affectioun quhilk he alwayes hes to the advancement of the trew Relligioun presentlie professit within this realme, with advys and consent of his Hienes' Esteattes, statutes, decernes, and declares, That the Kirk within this realme, wherin the sam Relligioun is professed, is the trew and Halie Kirk; and that sic Pastors and Ministers within the saming, as at anie tyme his Majestie sall pleise to provyde to the office, place, tytle, and dignitie of a Bischope, Abbot, or uther Prelat, sall at all tyme heirefter have vott in Parliament, siklyk and als frielie as anie uther Ecclesiasticall Prelat haid at anie tyme bygean: And als declares that all and whatsumever Bischopries presentlie vacand in his Hienes' handes, quhilks as yit ar undisponit to anie persone, or quhilks sall happin at anie tyme heirefter to veak, salbe onlie disponit be his Majestie to actual Preatchers and Ministers in the Kirk, or to sic uther persones as salbe fundin

apt and qualified to use and exercise the office and function of a Minister and Preacher; and wha in thair provisionnes to the said bishopries sall accept in and upon thaim, to be actual Pastors and Ministers; and, according thairto, sall practise and exercise the saming thairafter: *Item*, as concerning the office of the saids persones to be provydit to the saids Bishopries, in thair Spirituall Polecie and Governement in the Kirk, the Estates of Parliament hes remitted and remites the saming to the King's Majestie, to be advysit, consulted, and agreit upon be his Hienes, with the Generall Assemblie of the Ministers, at sic tymes as his Majestie sall think expedient to treat with thaim thairupon; but prejudice alwayes, in the mean tyme, of the Jurisdiction and Discipline of the Kirk, established be actes of Parliament, maid in anie tyme preceeding, and permitted be the saids actes to all Generall and Provinciall Assemblies, and uther whatsumever Presbyteries and Sessionnes of the Kirk."

"That the Constitution of the Generall Assemblie hauldin at Dondie, 1598, takin as it is meined efter the mynd of the fore sett down actes of Parliament, is flat repugnant to the Word of God."

#### *Argument 1.*

"Antichristian and Anglican Episcopall dignities, offices, places, and tytes, and all Ecclesiasticall Prelacies, ar flat repugnant to the Word of God; Luc. xxii.; 1 Tim. iii.; Tit. i.; 1 Pit. v.; Math. xxiii. etc.: Bot sic is that quhilk is sett down in the act of Parliament fore-placed, and meined in effect be the constitution of the said Assemblie: *Ergo*," &c.

Answerit: That all corruptionnes of those Bishopries ar damned and rejected; and as to the act of Parliament, it was alleagit to be formed and sett down be the invyours of the Kirk's weill, of purpose that the benefit might be refused, and the Kirk to ly over in the auld miserie and contempt.

#### *Argument 2.*

"That the Ministers of God separat from the comoun effeares of

the warld, sanctefied and consecrat to the ministerie of God's worshipping and salvatioun of his peiple, sould turn agane to the warld, and bear a comoun office and charge thairin and effeares thair of, is flat repugnant to the Word of God : But sa it is, that this Constitioun will impon that on the Ministers of God : *Ergo*," &c.

The propositioun is proven be thir Places following :

"Num. iii. 44, 45. 'And the Lord spak unto Moses, saying, Tak the Levites for all the first born of the childring of Israell, and the Levites salbe myn : I am the Lord.'

"Num. xviii. 6. 'For lo, I have taken the Levites from the childring of Israel, quhilk as a gift ar given to the Lord, to do the service of the Tabernacle of the Congregatioun.'

"Deut. x. 8. 'The sam tym the Lord separat the tryb of Levi, to bear the Ark of the Covenant of the Lord, to stand befor the Lord to minister unto him, and to bless in his nam, unto this day.'

"Deut. xviii. 2. 'The preists and the Levites sall have na part nor inheritance with Israell, for the Lord is thair inheritance, as he said unto tham.'

"Acts xiii. 2. 'Now, as they ministred unto the Lord, and fasted, the Holie Ghost said, Seperat me Barnabas and Saull for the wark wherunto I have called tham.'

"Rom. i. 1. 'Paull, a servant of Jesus Chryst, put apart to pretche the Evangell of God.'

The assumptioun is proven be the act of Parliament, whar, unto the Ministerie is adjoyned an office to be giffen be the King, called the office and dignitie of a Bischope or Ecclesiasticall Prelat ; and in the constitutioun of the Assemblie, it is determined to be of a mixt qualitie partlie, or halff Civill, halff Ecclesiastic.

This argument was answered be denying the assumptioun, and sa the act of Parliament and conclusioun of the Assemblie ; and planlie declarit that they sould bear na comoun office nor charge in things civill.

### *Argument 3.*

"That the Ministers of Chryst sould be distracted from preatching of the Word and doctrin, is flat repugnant to the Word of God,

Bot this office and dignitie of a Bischope, votting in parliament, &c. will distract: *Ergo*," &c.

"Luc. ix. 59. 'Chryst sayes to an, Follow me; wha answerit, Let me first go burie my father. Chryst answerit, Let the dead burie the dead; and go thow and preatche the gospell of the kingdom of God. Another sayes, Maister, I will follow the, bot lat me first go and tak ordour with my house. Chryst answerit, Na man putting hand to the pleuche, and lukiing bak, is meit for the kingdom of God.'

"Deut. xxxiii. 8. 'And of Levi he said, Let thy Thummim and thy Urim be withe the holie on; saying to his father, and to his mother, I have nocht fein him, nather knawes he his breithring, nor his awin childring, bot observes thy word, and keipes thy covenant. They teache Jacob thy judgments, and Israell thy law; they put incense before thy face, and brunt offerings upon thyn altar.'

"Acts vi. 2. 'Then the twoll called the multitud of the disciples togidder, and said, It is nocht meit that we sould leave the Word of God to serve the Tables.'"

The argument takin from thir places concludes stronglie. For giff these maist necessar, naturall, œconomic, yea, and ecclesiasticall offices, sould nocht distract from the preatching of the Word, mikle les sould civill effeares and offices have place to distract.

To the quhilks it was answerit, that they sould nocht be distracted, bot necessarlie imployed in pretching of the Word, and in doctrine at these solem and comoun tymes, for the weill of the hail Kirk and Comoun-weill.

#### *Argument 4.*

"Whosoever ar in tyme and out of tyme, day and night, to be occupied in the bissines of thair calling, sould be freed and have immunitie from all uther turnes: Bot sa aught and ar the Pastors of the Kirk to be occupied: *Ergo*," &c.

"1 Chron. ix. 33. 'These ar the cheiff fathers of the Levites, abyding in the chalmers, (of the temple,) exemed, (from warldlie

turnes,) because day and night the wark (of the temple) lay on tham.'

"2 Timoth. iv. 'I attest the befor God, and the Lord Jesus Chryst, wha sall judge the quik and the dead at his appeirance and kingdome: Preatche the Word; be instant in tyme, and out of tyme; convict, reprove, exhort, with all lang-suffring and doctrine: Watche in all, suffer adversitie, fulfill thy ministerie.'

"1 Tim. iv. 15, 16. 'Tak cear of thir things; be occupied in thir, that thy forderance may be manifest to all men. Tak heid to thy self, and to the doctrin; abyed or remean therupon; for in doing sa, thow sall save bathe thy self and them that heirs the.'

"Johan. xxi. 15, 16, 17. 'So, when they had dyned, Jesus said to Simon Piter, Simon, sone of Jonas, loves thow me mair nor these? He said unto him, Yea, Lord; thow knawes that I love the. He said unto him, Feid my Lambes.' And so thryse.

"Acts. xx. 20. 'I pretched publiclie and throw everie house; I warned everie an, night and day, with teares.'

Answer to this was: They salbe occupied in na thing by ther calling.

#### *Argument 5.*

"To make the charge of saulles sa light, that thairwithall another may be joyned and born, is direct against the Word of God. Bot—*Ergo*," &c.

"Ezech. xxxiv. 1, etc. 'And the Word of the Lord cam unto me, saying, Sone of Man, prophesie against the Pastors of Israell, and say unto tham, Thus sayeth the Lord God, Wo be to the Pastors that feid tham selves! sould nocht the scheiphird feid the flocks? Yie eat the fatt, and cleithe yow with the woll, bot yie feid nocht the flock. The weak have yie nocht strainthned; the seik have ye nocht healed, nather have yie bund up the broken, nor brought again that whilk was driven away, nather have yie sought that quhilk was lost, etc. They war skattered without a schiphird, and the scheipe wandrit,' etc.

"Zachar. xi. 17. 'O idoll scheiphird that leives the flock, the

sword salbe upon his arm, and upon his right ei. His arme salbe clein dried upe, and his right ei salbe utterlie darkned.'

"Acts xx. 20. 'I keip bak from yow na thing that was profitable, but have schawed yow, and have taught yow opinlie, and throw everie house. 26. I tak yow to record this day, that I am pure fra the blood of all men. 28. Tak heid unto your selves, and to all the flock, wharof the Halie Ghasht hes maid yow oversiars, to feid the Kirk of God, quhilk he hes purchased with his awin blod. 31. Therfor watche, and remember, that be the space of thrie yeirs I ceased nocht to warn everie an, bathe night and day, with teares.'

"[1] Pit. v. 2. 'Feid the flock of God, caring for it with a readie mynd. 8. Be sober, and watche; for your adversar the devill goes about lyk a roaring lyon seiking whom he may devore.'

"2 Cor. ii. 15. 'For we ar unto God the sweit savour of Chryst, in tham that ar saiffed, and in tham that peariahe. 16. To the an we are the savour of death unto deathe, and to the uther the savour of lyff unto lyff: and wha is sufficient for these things? 17. For we are nocht as manie, quhilk mak merchandis of the Word of God, but as of sinceritie, but as of God, in the sight of God we speak in Chryst.'

"Heb. xiii. 17. 'Obey your gydes, and be subject to tham, for they watche over your saulles, as sic as sall giff a compt for tham.'

The Answer was be denying the assumptioun, and sa, as in all thair answers, in effect denying the thing they war doing.

#### *Argument 6.*

"The jungling and confounding of Jurisdictiones and callings, quhilk God hes distinguisit in persones and maner of handling, is against the Word: Bot sa it is that this Constitution imports that expreslie, terming thair office to be of a mixt qualitie: *Ergo*," &c.

"Num. xviii. 4, 7. 'Yie sall keip the charge of the Tabernacle of the Congregation, for all the service of the Tabernacle, and na stranger sall com neir to yow. The stranger that cometh neir salbe slaine.'

"The Ministers then [ar] of God's service, and the civill admini-



strators ar strangers ane to an uther, and sould nocht be confoundit, under pean of deathe.

"2 Chron. xix. 11. 'Behauld, Amaria the preist salbe cheif over yow in all maters of the Lord ; and Zebadia, the sone of Ismaell, a rewlar of the house of Juda, salbe for all the King's effeares.'

"Math. xxii. 21. 'Give unto Cæsar that quhilk is Cæsar's, and to God quhilk is God's.'

"Deut. xxii. 21. 'Thou sall nocht saw thy vynyearch with dyverse kynd of seids, least thow defyl the increass of the seid quhilk thow hes sawin, and the fruict of the vynyearch. Thou sall nocht plow with an ox and an ass togidder. Thou sall nocht wear a garment of divers sortes, as of woollen and linning togidder.'"

This was answerit be a denyall of jumling and confusioun, bot with a granting of conjoyning and conjunctioun, and sa all ane, and bewraying of the purpose quhilk they seimed befor to deny, viz. to conjoyne a Civill office with an Ecclesiastic.

#### *Argument 7.*

"That the Officiars of Chryst's Kingdome sould meddle with things nocht pertaining thairto, is *αλλοτριοεπισκοπειν* against the Scripture ; 1 Pit. iv. 15 : Bot polytic and civill effeares ar sic : *Ergo*," &c.

"Johan. vi. 15. 'Jesus then knew that they war to com and tak him and mak him thair king, he withdrew him selff unto the montan alan.'

"Johan. xviii. 36. 'Jesus answerit and said unto Pilat, My kingdom is nocht of this ward.'

"Luc. xii. 13, 14. 'An of the multitud said unto him, Maister, speak to my breithring, that he may devyd the heritage with mie. He said unto him, O man, wha maid me judge or parter over yow ?

"Johan. viii. 11. 'Jesus said to the adulteres, Nather do I judge thie ; go, and sin na mair.'"

It was answerit, That the spirituall and civill functionnes differs nocht in subject, bot in maner and form of handling and treatting of ane and the sam subject to divers endes ; and that Chryst's of-

ficers salbe urgit to handle things civill na uther wayes bot spiritualie.

*Argument 8.*

“That Chryst’s Ministers sould bear warldlie pre-eminence, bruik ambitius styless, and be callit *ὑπερυψωται*, gratius Lords, is against the Word of God: But this constitution will permit, yea, and mak tham sa to do: *Ergo*,” &c.

“Math. xxiii. 6. ‘The Scribes and Pharisies love *προτοκλισίαν* at Soupers, and *προτοκαθεδρίαν* in the Synagoge, salutatioun in the mercats, and to be called Rabbi. Bot be yie nocht callit Rabbi, for yie have a Maister, *καθηγήτης*, Chryst; and yie ar all breithring, &c. Let him that is grait amang yow be servant; for whasoever will lift him selff upe salbe cast down, and he that will demit him selff salbe lift upe.’

“Luc. xxii. 26. ‘Ther enterit a contention amang them wha sould be the maist or graittest. But he said unto tham, The Kings of the nations bears rell over tham, and ar called *ὑπερυψωται*, gratius Lords. Bot be yie nocht sa; bot he that is maist amang yow, let him be as least, and he that is the gyd as the servant.’

“Math. xx. 26. ‘Bot it sall nocht be sa amangs yow; bot whosoever wilbe grait amangs yow, let him be your servant.’”

To this was answerit, That this quhilk they war about to do, sould nather permit nor mak warldlie pre-eminence nor ambitius styless.

*Argument 9.*

“That the souldiour of God sould be involved in the effeares of this lyff, is flat repugnant to the Word of God: But this will involve him: *Ergo*,” &c.

“Num. iv. 3. ‘From threttie yeir auld, and above unto fiftie yeir, all that is meit to tak on this warfear, to do the wark in the Tabernacle of the Congregation.’

“2 Tim. ii. 3, 4. ‘Thow therfor suffer affliction, as a guid souldiour of Jesus Chryst. Na man that warreth intanglit him selff

with the effears of this lyff: that he may please him wha hes schosin him to be a souldier,'” &c.

Answerit: They sall nocht be involvit, nor sould nocht, be the nature of ther calling.

*Argument 10.*

“The Magistrat and Civill rewlars pretched nocht the Word, nor ministers Sacraments, nor exerceises spirituall discipline, acknaw-laging these things impertinent to thair functioun: *Ergo*, Nather sould the Ministers mak civill lawes, nor judge and rewell conform thairto.”

Answer: It was nocht meinit be that voting in Parliament, that the Ministers sould use judicator civill or criminall, or anie part of the Magistrat's office: For that the King was onlie Judge in the Parliament, and the Esteattes gave but thair advys.

*Argument 11.*

“That quhilk wantes bathe precept and exemple in the Evangels, Actes and Epistles of the Apostles, and in the haill storie and wreitings of the Christian Kirks, till almost aught hounder yeirs efter Chryst, and at what tyme the Papes cam to that schamles usurpation of bathe the swords, and sett him selff in that chair of pestilence and pryde, treading on the neks of emperours and kings, &c., is na wayes to be admitted or sufferit in our Reformed Kirk: Bot sic is this new office of a mixed qualitie: *Ergo*,” &c.

For answer to this was broucht furthe exemples of the Auld Testament; Melchizedek, King and Preist; the government of the Kirk in the families of the Patriarches. *Item*, Moses and the Levittes wha war apointed Judges and Interpreters of the law athort the land.

To this replied: Melchizedik, Moses, nor the Hie Preist, can nocht be exemples for the Evangelicall ministerie, being types of the heid and soveran hiche King and Preist, the Lord Jesus Chryst. Also Moses and Aron war breithring indeid; bot efter Arone's consecration buir distinct offices, schawing us that the Ecclesiastic

and Civill rewlars sould live as breithring, bot everie an to be about thair awin office and calling for uther's mutuall weifear. As for the government of the families, ther was an uther reasone thair of, then of cities and comoun-weilles, in sa far as he that rewles his familie, rewles bot him self; bot wha rewles a citie or comoun-welthe, governs manie families; thairfor Arist. 1. Pol. makes an essentiall difference betwix the administration of a republic and familie.

And, finalie, as for the Levittes, they represent na Ecclesiastic Evangelicall office, and concerning those that war apointed שפ"ים שפ"ים שפ"ים, called in the Gospell γράμμαται, gif they represented anie office under the Evangell, it was the office of *Doctores*, sa that thairby the Doctors sould be apointed votters in Parliament.

### *Argument 12.*

"The subject of the office of a Minister, and of a civill warldlie office, ar divers and contrar; thairfor an can nocht be occupied in bathe.

"Rom. viii. 5, 6, 7. 'They that ar efter the fleshe savour the things of the fleshe; but they that ar efter the Spreit, the things of the Sprit. The wesdome of the fleche is deathe; but the wisdom of the Sprit is lyff and peace. The wesdome of the fleshe is enemie against God; it is nocht subject to the law of God, nather indeid can be.'

"1 Cor. ii. 12. 'We have nocht receaved the sprit of the warld, but the spreit quhilk is of God, that we may know the things that ar giffen to us of God; but the naturall man perceaves nocht the things of the Sprit of God; for they ar folishnes to him. Nather can he know tham, for they ar spirituale decernit.'

"1 Jhon ii. 15, 16. 'Love nocht the warld, nor the things that ar in the warld: Give (if) anie man love the warld, the love of the Father is nocht in him; for all that is in the warld (as the lust of the fleche, the lust of the eis, and the pryd of lyff) is nocht of the Father, but of the warld. And the warld passethe away, and the lust therof, but he that fulfille the will of God abyds for ever.'"

It was answerit: That this argument was against warldlie, unchristian, and unsanctified civill offices and actionnes. Replyed: That manie alleagit Christian war mair impius and unjust nor the Persian, Grecian, and Roman.

*Argument 13.*

"The maner of doing of the an is in lyk maner advers to the uther, as is evident of the sam places, and manie uther: *Ergo*," &c.

And heir was pertinentlie used the Apollog of Æsope anent the Colziar and the Wakar;<sup>1</sup> wharof the Colziar desyrit to dwell besyde and with the Waker, alleaging manie commodities that might com to bathe. Bot the Wakar, weill advysit, refused altogidder; "For it is nocht possible," sayes he, "but thy occupation will mar myne, for thow makes blak, and I mak whait."<sup>2</sup>

*Argument 14.*

"Thair end ar also contrar: The Minister's office being to fishe men out of the sie of this warld unto God; quhilk they can nocht giff they ly plunging in the warld tham selves."

Thus said Chryst to his disciples, Piter, Jhone, &c.—"Follow me, and I will mak yow fischars of men."

*Argument 15.*

"The experience of the Kirk in all ages sen that corruptioun enterit in, and namlie, in our awin age, nocht onlie amangs the Papists, bot in our nibour land of Eingland, and amangs our selves, cleirly proves, and loudlie cryes, That it is nocht possible that they can stand togidder. Therfor the Quein of Eingland's *dictum* is, when sche makes a Bischope, 'Alas for pitie! for we have marred a guid Preatchour to-day.' And what geppes of gear our Bischopes hes bein in Scotland, and is, the haill cowntrie kennes.

"The experience also of the godlie Pastors teatches tham this, when they have bein bot never sa lytle, and of necessitie occupied

<sup>1</sup> The fable or apologue of the Collier and the *Waulker*, or fuller.

<sup>2</sup> White.

in the world, whow hard it is to gather tham selves again, and gett the hart sett towards God and thair spirituall dewties and actionnes: Qui ambulat in sole, coloratur; qui tangit picem inquinatur; qui frequentat aulam et curiam, profanatur. Forum Pontificis Petrum ad Christi abnegationem adegit. Quæ est corporum constitutio, ea est et morum. Circumposito aere calido calescimus, et rursus frigido frigescimus. Sic cum sanctis sanctus eris, cum perversis perverteris.

“Math. vi. 24. ‘No man can serve twa maisters; ather sall he hait the an, and love the uther, or cleive to that an, and despyse the uther: Yie can nocht serve God and Mammon.’”

#### Argument 16.

“Nature and the sam experience hes dyted this axiom and pro-  
verbe, ‘A office for a man is aneuche;’ and, ‘Manie yrons in the  
fyre, sum will cull.’ Thairfor, the wyse men in nature, Plato and  
Aristotle, in thair Republicts, setts down the sam *σις προς, iv*, and  
banisses thairfra *δουλοπολιτικον* and *δορυδρηπανον*, instruments serving  
for ma usses at annes, as unprofitable, and that spilles things,” &c.

Now, gif in a civill comoun-weill, by the light of nature, *in sub-  
jecto homogenio*, a turn and office is aneuche for a man, surlie it is  
na wayes convenient nor possible, that, *in subjecto heterogenio*, viz.,  
bathe in Kirk and Comoun-weill, a man can bear twa offices.

#### Argument 17.

“That quhilk hes bein as a pest eschewit, streatlie forbidden be  
Actes, and stoutlie stand against in publict doctrine, and at all As-  
semblies, sen the first planting of the sinceritie of the Gospell with-  
in this realm, sould nocht now, be perswasoun and moyen of  
Court, be brought in within the Kirk: Bot sic is this: *Ergo*,” &c.

The Actes of our Generall Assemblies forbids a Minister to joyne  
with his Ministerie the office of a notar, housbandrie, or laboring  
of land, hostellarrie, &c., under pean of depositionn.

*Theod. Beza ad Knoxium*, Epist. 79: “Sed et istud (mi Knoxe)  
te ceterosque fratres velim meminisse, quod jam oculis pene ipsis

obversatur : sicut Episcopi Papatum pepererunt, ita Pseudo-Episcopos Papatus reliquias, Epicureismum terris invecturos. Hanc pestem caveant qui salvam Ecclesiam cupiunt, et cum illam e Scotia in tempore profligaris, ne quæso illam unquam admittas, quantum vis unitatis retinendæ specie, quæ veteres etiam optimos multos fefellit, blandiatur."

*Argument 18.*

And Last : The judgment of the Fathers and Doctors of the Kirk, antient and modern, auld and new : Tertullian, Cyrillus, Primasius, Ambros, etc.

*Tertull.* de Idolat. cap. 18 :—" Si potestatem nullam ne in fuos quidem exercuit Christus, quibus sordido ministerio functus est, si Regem se fieri, conscius sui regni refugit, plenissime dedit formam suis dirigendo omni fastigio et suggestu, tam dignitatis quam potestatis. Quis enim magis his usus fuisset quam Dei filius? Quales enim fasces producerent? quale aurum de capite radiaret nisi gloriam sæculi alienam, et sibi et suis judicasset?

" Ideo, quæ noluit rejecit, quæ rejecit damnavit, quæ damnavit in pompa diaboli deputavit."

*Cyrillus* in Joan. lib. 3, cap. 20 :—" Honor et gloria mundi fugienda sunt iis, qui volunt gloriam Dei consequi."

*Primasius* in 2 Tim. 2 :—" Comparatione militum utitur, ut ostendat multo magis, nos a negociis secularibus liberos esse debere ut Christo placeamus, si etiam seculi milites, a reliquis seculi actibus vacant, ut possint Regi suo placere."

*Ambros.* in Epist. 2 Tim. 2 :—" Ecclesiasticus autem idcirco Deo se probat ut huic devotus officium impleat quod spondidit, in Dei rebus sollicitus, a seculari negotio alienus. Non enim convenit unum duplicem habere professionem."

*Bernard.* de Consider. lib. 2, cap. 4 :—" Apostolicis interdicatur dominatus, ergo tu usurpare aude, aut Dominus apostolatam, aut Apostolus dominatum, plane ab utraque prohiberis; si utrumque simul habere voles, perdes utrumque."

*Idem.*—" Non monstrabunt ubi quisquam Apostolorum aliquando

judex sederit hominum, aut divisor terminorum, aut distributor terrarum, stetisse denique lego Apostolos judicandos, sedisse judicantes non lego."

*Can. Apost. Can. 80* :—"Dicimus quod non oportet Episcopum aut Presbyterum, publicis se administrationibus immittere sed vacare, et commodum se exhibere usibus Ecclesiasticis. Animum igitur inducito hoc non facere aut deponitor. Nemo enim potest duobus dominis servire."

Vide *Gregor. lib. 1, Epistolarum*, Epist. 5, ad Theotistam, Imperatoris sororem.

*Synod. Nicen. Can. Sylva et Constant.*—"Nemo clericus vel diaconus vel presbyter propter causam suam quamlibet intret in curiam, quoniam omnis curia a cruore dicta est: Et si quis clericus in curiam introeat, anathema suscipiat, nunquam rediens ad matrem Ecclesiam."

*Damasus et Conc. Neocæs. et Antioch. Anno 371* :—"Episcopi qui secularibus intenti curis greges chorepiscopis vel curiis commendant videntur mihi meretricibus similes, quæ statim ut pariunt, infantes suos aliis nutricibus tradunt educandos, quo suam citius libidinem explere valeant. Sic et isti infantes suos, in populos sibi commissos aliis educandos tradunt, ut suas libidines expleant, i. pro suo libitu secularibus curis inhihent, et quod unicuique visum fuerit liberius agant. Pro talibus enim animæ negliguntur, oves pereunt, morbi crescunt, hæreses et schismata prodeunt, destruuntur Ecclesiæ, sacerdotes vitiantur, et reliqua mala proveniunt. Non taliter Dominus docuit nec Apostoli instituerunt. Sed ipsi qui curam suscipiunt ipsi peragant, et ipsi proprios manipulos Domino representent. Nam ipse ovem perditam diligenter quæsit, ipse invenit, ipse propriis humeris reportavit, nosque id ipsum facere perdociuit. Si ipse pro ovibus tantam curam habuit, quid nos miseri ducturi sumus? Qui etiam pro ovibus nobis commissis curam impendere negligimus, et aliis eas educandas tradidimus? Audiant quæso quid Beatus Jacob dixerit socero suo :—"Viginti annos fui tecum; oves tuæ et capre steriles non fuerunt; arietes gregis tui non comedi, nec captum a bestia ostendi tibi, ego damnum omne reddebam, et quidquid furto perierat a me exigebas: die noctuque æstu urgebar et gelu; fugiebat



somnus ab oculis meis.' Si ergo sic laborat et vigilat qui pascit oves Laban, quanto labori, quantisque vigiliis debet intendere qui pascit oves Dei? Sed in his omnibus nos instruat qui pro ovibus suis dedit animam."

*Calvinus* in *Epist. ad 2 Tim. 2* :—"Semper Pastorem meminisse oportet veteris proverbii, HOC AGE, quod significat ita serio incumbendum esse peragendis sacris, ut studium ejus et intentionem nihil aliud impediat."

*P. Martyr*, in *loc. Com. Clas. 4, cap. 13* :—"Distingui oportet has functiones Civilis et Ecclesiastica, quia utraque earum seorsim totum hominem requirit: imo vix ullus unquam repertus est qui alterutram recte obire posset, adeo est difficilis utraque provincia."

*Synodus 4 Carthaginensis* :—"Ut Episcopus nullam rei familiaris curam ad se revocet, sed ut lectioni et orationi et verbo prædicationis tantummodo vacat."

*Synod. Calcedon. Œcumenica. consessu 15* :—"Ne Episcopi, clerici et monachi rebus se polyticis implicant, aut prædia aliena conducant."

*Sexti Uniwers. Synodus Constantinopolita. Can. 80* :—"Episcopis non competere ecclesiasticam et politicam eminentiam. Episcopus aut presbyter aut diaconus, militiæ vacans, et volens utrumque, principatum Romanum et sacerdotalem dignitatem deponitor: Nam quæ Cæsaris sunt Cæsari, et quæ Dei, Deo."

*Ex Epistola Concilii Africani ad Papam Celestinum* :—"Executores etiam clericos vestros quibusque potentibus nolite mittere, nolite concedere ne fumosum typhum seculi in Ecclesiam Christi quæ lucem simplicitatis et humilitatis diem Deum videre cupienti-bus præfert videamur inducere."

*Synod. Macrensi* :—"Nec Rex, pontificis dignitatem, nec Pontifex regiam potestatem sibi usurpare præsumat. Sic actionibus propriis dignitatibusque a Deo distinguuntur; ut et Christiani reges pro æterna vita pontificibus indigerent, et pontifices pro temporalium rerum cursu regum dispositionibus uterentur, quatenus spiritualis actio a carnalibus distaret in cursibus, et ideo militans domino minime, se negotiis secularibus implicaret, ac vicissim non ille rebus Divinis presidere vidiretur."

*Synodus Romana*, an. 1215:—"Universis clericis interdicimus, ne quis prætextu Ecclesiasticæ libertatis suam de cætero jurisdictionem extendat in præjudicium justiciæ secularis: ut quæ sunt Cæsaris reddantur Cæsari, et quæ sunt Dei, Deo."

*Bokemi quatuor Articulos Basiliensi Synodo* proponunt, quorum secundus est:—"De civili domino, quod interdictum clericis Divina lege dicebant."—Gesnerus de Synodis.

Of thir and the lyk places, the Ancients and Neotoriks are full and cleir, when ever they treat of this mater.

Thir Arguments, being sa strang and cleir, could nocht be denyt, thairfor in effect they war all granted; and yit they sought, be all the labor and meanes they could, to gett it past in Assemblie be maniest vottes, "That these Vottars in Parliament sould stand in the persones chosen, *ad vitam*." Bot it was be manie honest and guid Breithring mightelie withstud in open Assemblie, sa that in votting it past against tham, and was concludit *annuatim*.

My uncle, Mr Andro, cam to that Assemblie, but the King called for him and quarrelit him for his coming; wha, efter the auld maner, dischargit his conscience to him with all fredome and zeall; and, going from the King in grait fervencie, said, putting his hand to his crag:<sup>1</sup>—"Sir, tak yow this head, and gar cut it af, gif yie will; yie sall sooner get it, or I betray the cause of Chryst!" And sa he remeanit in the town all the whyll, and furnisit arguments to the Breithring, and mightelie strytnhed and incuragit tham.

This yier, in the monethe of August, the fyft day thair of, the Erle of Gowrie, and his brother Mr Alexander, war slean be the King's folks at St Jhonstoun, for a maist hid and horroble conspiacie, intendit be tham to have cut af the King; and, in the monethe of November thairefter, forfaultit in Parliament, &c. [A litle befor, or hard about the day of this accident, the sie<sup>2</sup> at an instant,

<sup>1</sup> Neck, or throat.

<sup>2</sup> Sea.

about a law water, debordet and ran upe abon the sie-mark, hier nor at anie stream-tyd, athort all the cost syde of Fyff; and at an instant reteired again to almaist a law water, to the grait admiratioun of all, and skathe don to sum. About that sam tym, lying in Kinkell, I dreamed my wyff was dead; and, wakning, apprehendit the sam, sa that with grait heavines of hairt, I murned for hir all that day, even after I knew the contrar. And, indeid, thairefter sche was strucken with sic infirmitie, that sche could nocht be a wyff to mie.<sup>1]</sup>

The King immediatlie thairefter send ower the word to the Counsall that was at Edinbruche, commanding the Ministers of Edinbruche to publis the maner in pulpit, and move the peiple to giff thankes with tham to God for the King's preservatioun. The Ministers gladlie aggreit to thank God for the King's delyverance, but to declar and preache the maner, in particular, as a treuthe of God out of pulpit, because the informationes war divers and uncertain, they refusit. This occasioun was gripped at till undo<sup>2</sup> that ministerie, quhilk oftenest and maist crosit<sup>3</sup> the Court in all evill proceedings, and was the graitest auband<sup>4</sup> and terrour to Sessioun, Nobilitie, and all the land, to keipe tham from impietie, injustice, and all wickednes.

The King cam to Edinbruche, whar he was receavit with grait concourse, and past in persone to the mercat cors<sup>5</sup> of Edinbruche, and thair causit his awin Minister, Mr Patrik Galloway, mak a declaratioun of the mater to the peiple, the quhilk the King him selff secoundit and confirmit, to move the peiple to dewtie and thankfulnes. Thairefter satt in Counsall with his ordinarie counsallours, and gave out a sacrilegius sentence against the Ministers of Edinbruche, usurping Chryst and his Kirk's place and autoritie, deposit tham from pretching the Gospell within his countrey for ever; quhilk was a houndreth tymes war nor<sup>6</sup> if be form of civill proces he haid hangit tham; because of the usurpation of Chryst's juria-

<sup>1</sup> Note written by the Author on the margin of MS.

<sup>2</sup> Was laid hold of to

undo. <sup>3</sup> Crossed, thwarted.

<sup>4</sup> Restraint.

<sup>5</sup> Market-Cross.

<sup>6</sup> Worse than.

dictioun and his Kirk's, wha hes onlie powar to call and depose his servants.

The Dron, the Doungeoun, and the Draught,  
Did mak thair cannon of the King,  
Syn feirfullie withe us they faught,  
And down to dirt they did us ding.

Thairefter the Commissioners war wrettin for to Falkland, whar the mater was schawin us at lainthe, and ordeanit that the Synodalls sould conveyin and aggree anent a form of publick Thanksgifing, and apoint a certean to conveyin at Edinbruche in the monethe of October following, to tak ordour with the ministerie of Edinbruche.

[At that tyme, being in Falkland, I saw a funambulus,<sup>1</sup> a Frenchman, play strang and incredible prattiks upon stented takell<sup>2</sup> in the Palace-clos befor the King, Quein, and hail court. This was politiklie done to mitigat the Quein and peiple for Gowrie's slaughter.

<sup>1</sup> A rope-dancer. In the Accounts of the Lord High Treasurer of Scotland, (preserved in the General Register House,) in August 1600, the name of the French *funambulist* is thus quaintly given, with a most extravagant reward assigned to him for playing his *pavies* and *sowpill trickis*. The original entry is as follows:—

"Item, be command of his Majestie's Precept, to Peter Bramhill, Frenche pavier; as the said Precept, with his acquittance, producet upoun compt, proportis, iij<sup>c</sup>xxxiiij. li., vj. s., viij. d." (L.333, 6s. 8d. ! ) an enormous sum, considering the value of money at that period.

Another still more remarkable instance has been preserved in *Birrel's Diary*, MS., Advocates' Library, where an English mountebank is recorded to have performed wonderful feats of agility and daring in Edinburgh, on 10th July 1598.—"Ane man, sume callit him a juglar, playit sick sowpill trickis upone ane tow, (*rope*), quihilk wes fesnit betwix the tope of St Geillis' Kirk stipill and ane stair benethe the Croce, callit Josias' Cloise head; the lyk wes neuir sene in this contrie, as he raid doune the tow and playit sa many pavies on it!" Besides the gratuities which he doubtlessly received from the nobility, gentry, and citizens, the King ordered him a handsome donation, viz. :—"Item, be his Hienes' speciall command, to an Inglis sportour that come down upon ane tow fra the cok of the stepill of Edinburgh, xx. li." (L.20.) And, in the same month, (September 1598,) another payment is made, perhaps, to the same person:—"Item, lykwayis to David Weir, (Vere?) sportour, be command, vj. li., xij. s., iiij. d." (L.6, 13s. 4d.)

<sup>2</sup> Stretched rope-tackle.

Even then was Hendersone<sup>1</sup> tryed befor us, and Gowrie's pedagog, wha haid bein buted.<sup>2</sup>]

At that Synod hauldin at Dumfermling, I, being Moderator, cam from it to the King at Falkland, and schew<sup>3</sup> his Majestie the forme of thanksgiffing concludit. And, using that occasioun, maid humble sutt for my colleg Mr Jhone Dykes; and, God moving the King's hart, obtained libertie to him to glorifie God again, in the exerceis of his ministerie at our awin Kirk.

Bot, being freed from that quhilk was na small exerceis to my mynd, being then resolved to have left Commissionarie, Court, and all that course, I was compelled of conscience to continow with a mair heavie and greivus fascherie, labour, and pean, bathe of mynd and body, for that Ministerie of Edinbruche; for twa of the Breithring being all commandit af the town, cam to my hous, and urgit me to continow in my Commissionarie for thair cause. The King wald have bein at the planting of Edinbruche with uthers. I schew him that could nocht be till the present Ministers war deposit be the Kirk, or be his Civill Judicator justlie cut af, giff sa they haid deservit, for na honest man wald tak thair rounes ower thair heid; and certean I was that nan of the twa could be justlie done: Sa that, of necessitie, they behoved to be reposit in thair awin rounes,<sup>4</sup> or the places to veak;<sup>5</sup> also the peiple of Edinbruche thaim selves was a grait helpe, for they stud honestlie affected to thair awin, and wald agrie to nan uther.

The meitting of the Commissioners from all Provinces was at Halyrudhous in October. Ther was lang reasoning and devysing anent the Ministerie of Edinbruche; bot do what the King could, they could nocht gett by that quhilk I haid spoken. Therfor, the King declaring his determinatioun that they sould never come in Edinbruche againe, and the Kirk thinking it hard that that ministerie sould veak, it was thought meit that the cais sould be schawin to the Ministers of Edinbruche thaim selves, and sie giff they wald

<sup>1</sup> Andrew Henderson.    <sup>2</sup> Put to torture in the boots. See *Pitcairn's Criminal Trials*, ii. 146-237. This paragraph is noted by the Author on the margin of MS.

<sup>3</sup> Shewed.    <sup>4</sup> Reponed, or restored to their own situations.    <sup>5</sup> Become vacant.

content of thair awin accord to yeild to transportatioun. For the quhilk purpose, the King and Breithring convenit directed Mr Wilyeam Scot, Jhone Carmichaell, and me, to shaw this mater to the Breithring of Edinbruche, and report thair answer. And when we war absent, the King with his Commissionars, and the Breithring ther conveyined, in what form I can nocht tell, nominats and chuses thrie Bischopes, Mr David Lindsay, Bischope of Ros; Mr Piter Blakburn, Bischope of Aberdein; and Mr George Gladsteanes, Bischope of Catnes, apointing tham to vott for the Kirk in the nixt Parliament at the forfaulterie of the Erl of Gowrey, without anie regard had to the Caveates or Conclusioun of the last Generall Assemblie. Wharof we knew na thing till that Convention was dismissit.

## M.D.C.I.

Sa that mater of the ministerie of Edinbruche keipit me catching heir and ther all that wintar, with grait heaviness of hart for the wrak of the libertie of Chryst's Kirk, overthrow of the Sion of his Jerusalem, the Kirk of Edinbruche, and banissing from his native cuntry of that maist notable, upright, and halie servant of Chryst, Mr Robert Bruce; till in the spring tyme, at the beginning of Apryll, it pleasit my God, in fatherlie cear and affectioun, to dellyver me from these publict vexationnes, be leying his hand on my awin persone, and visiting me with peanes and perplexities, of heavie seiknes of body, and grait conflictes of mynd, quhilk his Majestie's guid Sprit and myne only knawes, and sall keipe in secret till it please him to inspyre; sa that these exerceses of my spreit may be published to his glorie, and confort of sic consciences as militattes under the standart of Chryst, in the feighting-feilds of this erd and lyff. My seiknes, with the manifald schowres of the vexationnes of mynd, continowed yeir and day; bot he wha uphalds and confortes the contreit and humble, did uphald and confort me, to whom, thairfor, be everlasting praise.—Amen.<sup>1</sup>

<sup>1</sup> "Memor.—The Conference of Brintyland, in the monethe of Merche. Item, the Synod of St Androis against the Papists, whar Mr Jhone Hamilton was excommunicat: Thairat I taucht upon the Testament of Moses concerning Levi, and pennit Articles and Petitiones, presented tham to the King at Halirudhous, with lytle thanks or effect." Margin of MS.

In the tyme of my seiknes, the Generall Assemblie, apointed to be hauldin at St Androis, was, be the King's proclamation at Mercat-crosses, commandit to be keipit with him at Brinteyland in the monethe of May. To the quhilk, whowbeit seik and unable, it behoved me to wryt. The quhilk Letter the King tuk out of the Moderator's hand, and sufferit it nocht to be read, but keipit it in his awin poutche,<sup>1</sup> and hes it leyd up, as I am informed, amangs his privie wryttes as yit; for what purpose tyme will declar. The copie wharof, word be word, I thought thairfor guid to sett down heir:

"TO THE GODLIE FATHERS AND BREITHRING CONVENTIT IN THIS PRESENT GENERALL ASSEMBLIE AT BRINTYLAND, MAY 1601, J[AMES] M[ELVILL] WISSETHE GRACE, MERCIE, AND PEACE FROM GOD THROW JESUS CHRYST, WITH THE SPREIT OF FREDOME, UPRIGHTNES, AND FATHFULNES.

"HAVINGE manie wayes a calling to be present with yow at this Assemblie, (godlie Fathers and deir Breithring,) and steyit onlie be infirmitie of body, efter a lang and soar seiknes, I could nocht at least bot communicat my mynd with yow schortlie in wryt. And first, as concerning his Majestie: Sen it hes pleasit God to indew him with sic a rare and singular grace, as to resolve to bestow him selff, his stat, and all that God hes giffen him in possessioun, or tytyle, for glorefeing of Chryst, King of Kings, in the meantenance of his Gospell and trew Religioun; and now to put hand to justice against impietie, wrang, and all oppressioun, to kythe<sup>2</sup> in effect the trew and earnest dispositioun of his hart.<sup>3</sup> I think it all our partes to praise God uncessantlie thairfor, and to concur and joyne with his Majestie in our calling to our uttermaist, namlie in steiring up and moving the harts of his peiple to his reverence and obedience,

<sup>1</sup> Pocket.    <sup>2</sup> Manifest.    <sup>3</sup> "Nota — The King haid maid grait profession and promises anent Relligioun, understanding that the Jesuittes in England war his conjurit enemies; and haid latlie execut justice upon grait personages for oppressioun notable." The above added by the Author on the margin of MS.

yea, to bestow thair lives and all that they have with his Hines in that cause, and in all his Majestie's effeares that may serve for the weill thairrof. And trewlie they are worthie to be accursed, and nocht bruik the nam of Christian nor Scottes men, bot esteimed enemies to God, Relligioun, and his Hines, that will nocht willinglie yield heirunto, as Deborah cryes, 'Curse Meros! sayeth the angell of the Lord, Curse! because they cam nocht to assist the Lord against the mightie.' I wald wis, thairfor, for this effect, as in the dayes of Asa and Joas, kings of Juda, namlie according to the derection of guid Jehoiada the priest, that solemne Covenants and Bands, the Word of God and prayer going befor, war maid betwix God and the King, God and the peiple, and betwix the King and the peiple, beginning in this present Assemblie, and sa going to Provinciales, Presbyteries, and throw everie Congregation of this land.

"Nixt, as concerning the Ministerie of Edinbruche, I hald fast that aggreiment of the Breithring conveyet in Brintyland in the monethe of Merche last; and wald beseik<sup>1</sup> the Breithring of the Assemblie till<sup>2</sup> insist with his Majestie, with the reasonnes set down at that Conference, and sic uther as God will furneise, joyning prayer to God, wha hes the King's hart in his hand, wherby his Hines might be brought to yeild thairunto, as a speciall weill, nocht onlie of the Kirk, but of his Majestie's estate and effeares, (gif God hes giffen me anie eis to sie anie thing in tham.) For by that, that the cheiff blokhous<sup>3</sup> of the Lord's Jerusalem in this land can nocht, in my judgment, be weill fortified without tham. In my conscience, I knaw nocht braver trompettes to incurage, move, and sett fordwart the peiple to his Majestie's obedience and assistance, when occasioun of his Majestie's wechtiest effeares may crave the sam. And trewlie, when I pas throw the formes of proceidings with my self to spy out what may befall in end, I can nocht sie giff it be weill, bot it wilbe repossessioun; for processes wilbe fund hard; transportatioun full of fascherie and inconvenients, and in end fect-

<sup>1</sup> Beseech.<sup>2</sup> To.<sup>3</sup> Bulwark, fortification, defence.



les,<sup>1</sup> wanting contentment ; thairfor the best mon be repossessioun, wherunto I pray God his Majestie's hart may be inclyned, as the haill Breitheringes ar, I am sure.

" Bot ther is heir an incident (deir Breither) of graitteir importance nor all the rest, wheranent I mon nocht onlie exhort you, bot, in the nam of Chryst, charge and adjure yow, as yie will answer to Him upon your fidelitie in his service, that yie endeavour to redres it : This is, that interest quhilk Chryst sustenit be that act and decreit of Counsall, wherby the Ministers of Edinbruche ar deposit from pretching in anie tyme heirefter, because they refusit to pretche and giff thanks as was enjoyned to tham be the said Counsall ; the graittest interest that ever Chryst sustenit in this land, for gif he hes nocht soll powar to chuse, call, and depose his awin messingers and ambassadours, he hes na powar at all. His Majestie hes schawin him selff, in my heiring divers tymes, willing that this sould be amendit ; bot I feir the decreit stands in the buiks without anie not thairupon. Forgett nocht this, bot remember it as the graittest point yie have to do. And let nocht, I humblie beseik, his Majestie and Counsall be miscontent with the bringing of this in heid, for the honour of Chryst, and feir of his just wrathe against sic as say, *Nolumus hunc regnare supra nos*, (Luc. xix. 14, 27,) constranes me ; the quhilk I wis to be als far from his Hienes and honourable Counsall, as from my awin hart and saull ; bot contrarie wayes, that in the favour, and be the blessing of Chryst, his throne, as the throne of David, may be established and florishe as the palme.

" Now, as to the rest, revise your Caveattes, for corruptioun creipes fast on, and is corroborat be custom ; sight<sup>2</sup> the conclusioun of your last Assemblie, and sie giff maters hes proceidit conform thairunto or nocht, giff it may please his Majestie to permit thir thinges to be done at this tyme, (quhilk indeid ar maist necessar to be done, utherwayes it is nocht possible to keipe fra corruptioun.) Fordar, the restraining of the fridome of our Generall Assemblies

<sup>1</sup> *Fekless*, wanting might or strength.

<sup>2</sup> *Examine*, narrowly inspect.

in the ordinar Conventionnes thair of, wald be heavellie compleanit upon and regratit to his Majestie ; for, seing we have full powar and expres charge of Chryst, the onlie King of his Kirk, to meit and convey togidder for the government thair of, and hes our ordinarie Conventionnes annes<sup>1</sup> in the yeir at least, and after *pro re nata*, approven be his Majestie in his lawes and actes of Parliament, (Parl. 1592, Act 1,) wharfor sould our meittings depend on licences, letters, and proclamations, namlie whill uther esteattes, as of Barrones and Brouches, ar permitted to use ther privilage frelie? Sall the Kirk of Jesus Chryst be les regardit, and restranit in hir freedom and privilage, in a setlit and constitut estate, under the protection of a rare Christian Magistrat? God forbid !

“ Finalie, my deir Breithring, charitie and the love of Chryst comandis me to mak yow warning be my experience, that in all your speitches yie respect the trew profit of the Kirk, and of his Majestie's estate joynit thairwith, and nocht present pleasuring. Now, the trew profit is that quhilk hes the warrand in the Law and the Prophetes, whowsoever the reasone of men think of it. We sould be the mouthe of God to all. His law sould be in our lippes, and trew wisdom in our mouthes. Our speitches sould be the speitches and oracles of God. And, as the lawers sayes, It is scham to speak without a law ; mikle mair, say we, It is scham befor God and his angeles, and befor the Kirk of God, to the dispensator of the heavinlie mysteries, to speak without Scriptoure and warrand of the Word of God. Tak head to this, utherwayes, when God beginnes to tak yow asyde and racken with yow, and ley on his hand, as I thank his fatherlie affection he hes done with me, yie will detest from your hart the facionnes of this warld ; the wisdom of fleche and bluid, the exemple and maner of doing of this tyme in speciall ; yea, yie will repent and rew<sup>2</sup> that ever yie knew or followed tham.

“ In conclusioun, I ley down at your feit my Commissioun, as the pynnour<sup>3</sup> does his burding when he is overleyed.<sup>4</sup> It hes spendit that wharon my numerous familie sould have bein susteined ; it hes

<sup>1</sup> Once.<sup>2</sup> Rue, regret.<sup>3</sup> Carrier, porter.<sup>4</sup> Over-loaded.

greivit my mynd continualie, and now, in end, it hes brought me in extream danger of my lyff; wharfor I beseik you burding me na mair with it, unles yie wald have my skine. Now, the Lord Jesus, of the sam love that moved him to giff his lyff for his Kirk, govern and keipe the sam fra the pollutionnes of this last age; and mak us, and all the laborars within the sam, ever myndfull of that grait day when he sall com and call us to a compt of our dispensatioun. AMEN. From the bed of my infirmitie, the 12 of May, 1601."

Whowbeit, the King conceallit this Letter, and wald nocht suffer it to be red, yit he followit the advys of the first part thair of, and renewit the Covenant, to the grait confort of all the Kirk at that Assemblie, and ordeanit the sam to be done throwout the land. The King ther, as I hard, maid a comfortable confessioun of his sinnes and his fathe; and promesit, maist weghtelie and solemnlie, to abhor all Papistrie, Idolatrie, and Superstitioun, and to live and die in the trew Relligioun wherin he was brought upe, and whilk was pretched and professit within his realme of Scotland presentlie; also to execut justice, and do all dewties of a godlie and Christian King, better then ever befor.

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A MEMORIALl EUCHARISTIC AND EUCTIC, EFTER MY SEIKNES,  
IN THE YEIR 1601.

AMANGS the milliones of Thy mercies, LORD,  
Whilks Thow hes heaped on me all my dayes,  
This benefit of freche<sup>1</sup> I mon<sup>2</sup> recorde,  
To steire me up to thankfulness alwayes.

For even as Nature dytts,<sup>3</sup> and all men sayes,  
He is a wratche unworthie of the light,  
Wha is ingrat, and namlie in Thy sight.

<sup>1</sup> Of new.

<sup>2</sup> Must.

<sup>3</sup> Dictates.

And first, for to recompt my cearfull case :

I was about the tryall of my lyf,

The quhilk, as I may justlie say, alase !

I fand of everie sin exceiding ryf.<sup>1</sup>

I thank Thy grace, with battell, greiff, and stryf,

But oftentymes ouerwhelm'd, ouercom, and win,

Be Sathan's slight, the wicked warld, and sin.

For whilk I fasted, pray'd, and meditat

Upon the Word full oft and earnestlie :

I did indure the chastisments I gat,

And used my self in godlie companie.

For all this, fra my self I could nocht flie,

But fand a woundrouse force that did withstand,

And ofttest sin to have the upperhand.

Then said I, LORD, I sie ther's na remead<sup>2</sup>

For to put end to this offending Thie,

All meanes I use in vean ! It's onlie dead<sup>3</sup>

That will releive me of this miserie.

Therfor, O ! LORD, gif Thow may pleased bie,

Cut af<sup>4</sup> thir sinfull dayes and tak me hame ;

Na graitter gift nor<sup>5</sup> this I can acclame.

Thus, efter praer, I panset<sup>6</sup> a whyle on deathe,

And thought it passing sweit to think upone,

Till I perceaved an altering in my breathe,

With schuddring cauld and ganting ;<sup>7</sup> then anone

I hasted hame, because I was alone,

And cal'd for chamber, fyre, and bead fra hand,<sup>8</sup>

And skarslie now upon my feit might stand.

<sup>1</sup> Very plentiful. <sup>2</sup> Remedy. <sup>3</sup> Death. <sup>4</sup> Off. <sup>5</sup> Than. <sup>6</sup> Thought, pondered  
on. Fr. *penser*. <sup>7</sup> With cold shivering and yawning. <sup>8</sup> Bed, immediately.

I went to bead, and on my bouk atteans,<sup>1</sup>  
 A crewall fiver<sup>2</sup> ther upon me seas'd,  
 Wilk brunt upon my fleche, my bluid and beans ;<sup>3</sup>  
 That I supposed now it haid Thie pleas'd  
 Of all my troubles me for till have eas'd,  
 Be sending deathe, the messinger of grace,  
 To tak mie hame unto my resting place !

This message, whill I gladlie did abyde,  
 Concluding with my self assuredlie,  
 Be grait increassing searnes<sup>4</sup> in my syde,  
 In my conceat it was a pleurasie ;<sup>5</sup>  
 And sa indeid it kythe<sup>6</sup> at last to bie,  
 And past sum critik dayes withoutin cure ;  
 Whilk maid me think my deathe wes fellow sure.<sup>7</sup>

I thank Thy grace a houndreth thowsand syse,<sup>8</sup>  
 I was resolv'd and hartlie weill content ;  
 Yit, lest the meanes of lyff I sould dispyse,  
 They for the Doctor and Chirurgian sent ;  
 Thow lukked sa,<sup>9</sup> they cam incontinent,  
 And cairfullie on mie they did thair cure,  
 Bot O ! that whyll what pean did I indure !

O pean ! the ghen,<sup>10</sup> the torment, and the rak,  
 Whow sear<sup>11</sup> art thow to sillie fleche and blude !  
 Whow vexes thow the head, the hart and bak !  
 But pruff thy preass can nocht be understude.<sup>12</sup>

Whils on thow raisches with thy schowrs sa rude,  
 Ther is na reste in bodie nor in mynd,  
 Nor nought can please the pitifullie pynd.<sup>13</sup>

<sup>1</sup> On my whole frame at once.    <sup>2</sup> Fever.    <sup>3</sup> Bones.    <sup>4</sup> Soreness,  
 feeling of pain.    <sup>5</sup> Fever of the pleura.    <sup>6</sup> Proved, turned out.    <sup>7</sup> Very certain.  
<sup>8</sup> Times fold.    <sup>9</sup> Caused it so to befall.    <sup>10</sup> The rack or torture ; from O. Fr.  
*Gehenne*, Lat. *Gehenna*.    <sup>11</sup> Sore, painful.    <sup>12</sup> Without experience, thy pressure  
 cannot be understood.    <sup>13</sup> Subjected to lingering pain.

I thought it sweit with deirest deathe to ludge,  
Yit felt the passage peanfull, soure, and hard,  
I wald have fean bein at my last refuge,  
Bot pean and searnes stirring me debar'd.

I lyked nocht for to reteire sa nar'd,<sup>1</sup>  
Bot all men's love to live did me allure,  
And murning flock, wherof I had the cure.

For frinds and flock for me did fast and pray,  
The pyn'de, the weidow, and the fatherles  
Did cry on Thie, and sobbing sear did say,  
"Delyver, Lord, our helper from distres!"  
(Bot I, alas! my God, unworthie was,  
For I am nought, and Thow art all in mie,  
To whom perteines all praise æternalie.)

Thus Thow did move thair hart, and hard thair praer,  
And blest the meanes was used to mak mie heall;<sup>2</sup>  
My seiknes ceased daylie mair and mair,  
Till now all force of fiver clein did feall.<sup>3</sup>

Bot efter in my hand began to beall<sup>4</sup>  
A crewall catarh, working mikle wa,  
Bathe mynd and bodie was tormentit sa.

My mynd was vex't with strange imaginations,  
My bodie hail tormented was with pean,  
Whilk did aryse of sympathetic passions,  
And na remead in man did now remean.

Then I on Thie, my God, to call was fean,  
And maid my prayer in sa ern't a ways  
As I hope to remember all my days.

To memorie I cal'd quhilk I had taught,  
And meditat into my mynd full oft;

<sup>1</sup> Narrowed, straitened.

<sup>2</sup> Whole.

<sup>3</sup> All symptoms of fever abated

<sup>4</sup> Suppurate. This appears to have been an inveterate kind of boil in the hand.

“ (God's Word beleive, when ever it's teatch'd we aught,  
Bot then it's best, when it is deirest coft !<sup>1</sup>

We all in ease ar lothsome, weak, and soft ;  
Bot when the cross maks fleche to feill the neid,  
Then is the Word right stedable indeid ?”)

The speciall poinct was, whow the Lord susteins  
His awin in tym of thair maist sharpe tentations ?  
Withe pitie grait, and mercie he tham meins,  
Induring thair extremitie and passions.

Syn, efter pruff and tryall of vexations,  
He tham releives, and gives tham rest in end,  
With graitteer pleasure nor ever they war pen'd.

The praer was ithe,<sup>2</sup> the practise verie hard,  
For to beleive and weat<sup>3</sup> withe patience,  
Sic greivous pean tormented me, and mard  
That I could skarslie keip me but<sup>4</sup> offence,  
Till neir dispearing, void of confidence,  
Thow turn'd Thy face, and gave a pleasand blink,<sup>5</sup>  
Quhilk pers't my hart, and deiplie ther did sink.

Me thocht I saw Thyne eis with mortall sight ;  
But weill I wat I felt th' effect indeid,  
For wha had said, “ to pass an uther night  
Thow sall have strainthe,” I wald have thought they leid.<sup>6</sup>

And yit that luik began atteans<sup>7</sup> to breid  
Sic courage, confort, strynthe, and patience,  
As I have ever to praise Thyne excellence.

As Sydrak, Misak,<sup>8</sup> and Abednego,  
Ley in the flaming furnace frie of harme,

<sup>1</sup> Bought.  
and ythan.

<sup>7</sup> At once.

<sup>2</sup> Constant, steady. This is the same word with *eident*, *ithind*,

<sup>3</sup> Wait.

<sup>4</sup> Without.

<sup>5</sup> Look, glance.

<sup>6</sup> Lied.

<sup>8</sup> Shadrach, Meshech.

Sa fullie was I fenc'd against my fo ;  
 That thouche as fyre, sa birning was myn arme,  
     I lut it ly,<sup>1</sup> as it had bein bot warme ;  
 And full sax dayes indurit patientlie,  
 Till Thow at last with joy releived mie.

Let anie judge whow grait my pean could bie :  
 When fourtie dayes ar fullie past and spent,  
 And yit the mater rinnes aboundantlie  
 Out of my hand, and litle does relent ;  
     All praise to God wha mad me patient,  
 Wha weill will cure this, and all uther wonde,  
 That I for ever his benefits may sounde !

And, to confes the treuthe unto his glore,  
 I find ten fauld of joy and pleasure sweit ;  
 Mair then my seiknes and my pean before,  
 Bathe in my bodie, and in to my spreit.

LORD, put in mie thought, words and warks that's meit,  
 To be a lasting sacrifice to Thie,  
 Of thankfulnes, even to the day I die !

LORD, mak this lyff, be seiknes sa persen'd,  
 And keep by Thie, still serve unto Thy glore ;  
 LORD, mak this lyff, that's sa be Thie reneue'd  
 A new lyff, for to praise Thie more and more ;

LORD, let the ritches of Thy mercies store,  
 Thus in sic plentie powred upon mie,  
 Be to Thy praise and glore æternalie !

And sen from hopped herbrie<sup>2</sup> I mon<sup>3</sup> now  
 Lainche furthe again into the stormie sies ;

<sup>1</sup> I suffered it to lie.<sup>2</sup> From the wished-for haven.<sup>3</sup> Must.



I humblie pray Thie, LORD, Thyne eare to bow,  
 And grant to me as Thow kens best agries,  
 Me to preserve in all difficulties :  
 And cause mie syne aryve in to that port,  
 Whar Thy redeimed maks ther best resort.

Thy frie and constant Spreit, O LORD, therefore,  
 Foir Jesus' seak, whom Thou'rt weill content,  
 Set in my saull : that dewlie till adore  
 Thie God, in Chryst, by Him I may be bent,  
 To surlie trust, and rightlie to repent  
 To rin my course, and ply my voyage out,  
 Till I be saved and past all kynd of dout.

And, namlie, sen the quarrell of Thy CHRYST,  
 Within this Land, requyrs a dewtie  
 Of doing, suffring, manie turn and tryst,  
 Myn instant saull beseiks uncessantlie,  
 First, what Thow will, that I may planlie sie,  
 Syn to be stout, withe readie upright hart,  
 Amangs the rest to play an honest part !

FINIS.

---

*Merch, 1602.*

I.

QUATORZAIN.

SKARSE fra my right syd past the pitius pean  
 Of pungent Pleuresie, when Catarha  
 Maist curstlie kyth hir force to have me slea,  
 Syn soone cam on this crewall Colica.

In this respect amangs tham warst of a',  
 Because she setles sa in my left syd,  
 That moneths ten can nocht hir weare awa,  
 Bot stikand still she stubbornlie does byd.  
 And namlie when I think I may confyd  
 Sa in my helthe, that I may do my turns,  
 Sic greivus gripps she maks me till abyd,  
 Of seiknes seare, that all wha sies me murns.  
 But, Lord, sen they ar pledges of Thy Love,  
 Draw me be tham to CHRYST in heaven above!

## I.

## DIXAIN.

LYKAS the raging tempests in the sie  
 Does crose the course of merchants, in sic sort  
 That they ar fean to yeild, and let it bie,  
 And cast about, and seik the neirast port :  
 Sa when I'm set my peiple to confort,  
 And for my saulles ease to serve my God,  
 This crewall Colic gives me battell mort,  
 And dings me dead when I wald be abroad.  
 But sen sic stormes ar send from God alone,  
 LORD, grant contentment, "Let thy will be done!"

AMEN.

END OF THE DIARY.



A

# TRUE NARRATIUNE

OF

## THE DECLYNEING AIGE OF THE KIRK OF SCOTLAND.

FROM M.D.XCVI. TO M.DC.X.

BEING A

## CONTINUATION

OF

MR JAMES MELVILL'S DIARY.



# A TRUE NARRATIOUNE

OF THE

DECLYNEING AIGE OF THE KIRK OF SCOTLAND.

THE CHURCH UNIVERSALL is likened unto a birthfull mother, and the Particular Church unto the daughter of the samyne; of the quhilk the birth, growth, and declyneing is the matter of Ecclesiasticall Histories. Our Kirke of Scotland being one of thaise, and I about to wrytt the Historie thair of, I doe most humbly besiche God hir Father, and Jesus Chryst hir spouse, the onlie wisdom and verity, that I may doe the same wysely and truely; suppressing nothing of the truth that is materiall, and expressing nothing that sall nocht be neidfull for His glory, and the good and true information of the posteritie: Protesting befor His dreidfull Majestie, in all submissioun, humilitie, and sinceritie, that what I doe is from the uprycht intention of my heart, without wavering to the ryght or left hand, for feir or favour of oney, saife Jesus Christ above all; quhose caus to further or advance with any leies quhatsumevir, I doe account it a detestable and sacriligious boldness!

The aige of THE KIRK OF SCOTLAND, since scho was brought out of the darkness of Paperie to the Reformation begun in Scotland, the

clear light of the Gospell, has been now sa perfect jubilee of sevin sevine<sup>1</sup> yeares, from the yeir of hir Lord's incarnation 1560, unto this present year 1610.<sup>2</sup> The infancie quhairof wes admirable, the growth to hir full perfectioun was incomparabill in any kingdome; and so this doolfull decay, in this almaist dying aige, most pitifull and most lamentabill. Her infancie, most happie in almost blessed tyme, hath been most excellentlie, boith for truth and stylle, committed to wrytt. Her perfectioun, just according to the paterne schawin by God to the Prophettis and Apostelles upon the Montaines of Sinay and Sion: In doctrine and discipline, without any mixture from Babylon, or that city sett on seven hills,<sup>3</sup> or from the policie of man's braine, hath bein, for sinceritie, truth, and libertie, thaise mony yeires, of all Kirks, in all the kingdoms of Europe, with admiration beholding and looking upon; faire as the morneing, cleir as the mone, pure as the soone in the eyes of hir freinds, and dreidfull as ane armie feghting<sup>4</sup> under ane banner, to all hir enimies! And, now, necessitie is laid upon me, with sorrowfull heart and drouping eyes, to sett down the declyneing aige thereof,<sup>5</sup> which took the sensibill begining at that Evill Synod, the sevintein day of December, in the yeir of our Lord 1596; and haith continewit, from evill to worse, unto this present yeir, 1610; as the true Narratioun subsequent sall mak manifest.

#### M.D.XCVI.

The Kirk of Scotland having obtained not only hir Doctrine, bot hir Discipline and Governement, confirmed, ratified, and approven by the King's Majestie and quholl Estaites of the realme; first, severalie, by subscribeing and sweireing to his Majestie's Confessioun of Faith tuo dyverse tymes, viz., in the yeir 1581, and in the yeir

<sup>1</sup> Seven times seven years complete.

<sup>2</sup> "This History written in 1610."—

*Note on Margin of Advocates' MS. Rob. III., 2, 12.* <sup>3</sup> Rome, the mystical Babylon. <sup>4</sup> "Marching" in the other MSS. <sup>5</sup> "Handles only the Declining State of the Church, from the year 1596."—*Margin of Adv. MS. Rob. III., 2, 12.*

1590 ; and thairefter by the Estates, solemnelie assembled in Parliament, haldin in Edinburgh in the moneth of June in the yeir 1592 ; and by the frie and powerfull walding of the tuo-edgit Romphaia,<sup>1</sup> put in the mouth of hir Ministers, and force of the bands of discipline joyned therwith ; and, namely, in hir Generall Assemblies and Presbyteries, scho had gotten the Apostate Earles, Huntlie, Angus, and Arroll,<sup>2</sup> with the heidis of that Papiste factioun expelled the realme, 1594 ; and that most speciallie, for that forraine, unnaturall, and treasonabill conspiracy with the Spainyairds, scho did beginne, with true thankfullnes, seriouslie to seike God and the obedience to the hail will of Christ, hir spouse, according to the perfect lawis and ordinances of his kingdome, now fully establischt : And, first, at the Generall Assembly holdine at Edinburgh, in the moneth of Marche 1596, scho tryed exactlie hir hail members ; searcheing out the corruptioun of all estaites, ordoures, and offices ; preisching to abolishe and wasch them away by the fire and wattir of the blood<sup>3</sup> and Spirit of God ; and, for that effect, had the doctrine daylie sounding mychtillie, with humiliatioun, fasting, and prayer, confessing hir sinnes, and calling for mercie and grace to amend ; and sua reneweing and binding up the Covenant maid to God in Jesus Christ.<sup>4</sup>

The Excercise beginning in the Generall Assemblies passeth by directione thereof to all the Provinciall Presbyteries and particular Sessiounes and Paroches of the realme, and was cairfullie keiped dureing the sommer and harvest sessioun thairefter, to the gryt joy, comfort, and edificatioun of all such as feired God and loved the Lord Jesus Christ ; and I am certaine, by the experience found in my selff and maney others present in thaise meittings, that the Assemblies of the saintes in Scotland wes nevir more beautifull and gloriouse by the manifold and mightie graces of the presence of the Holy Spirit ; and sua nevir moir acceptabill to the

<sup>1</sup> The reading of this passage in the two Advocates' MSS. is as follows : " And by the free and powerfull pleading of the High God." <sup>2</sup> Adv. MSS. incorrectly read " Atholl." The Earl of Errol is the person alluded to. <sup>3</sup> Adv. MSS. " Word."

<sup>4</sup> Adv. MSS. " Maid againe with God and Christ Jesus."



Lord and Heid, and profitabill to everie one of hir true members, nor wes at thaise times ; as the deductioun of the particular actiounes extant in the Buikes and stories of thaise Assemblies will testifie to the posteritie.

Thaise indeavores so enraged the Papistes and politictes,<sup>1</sup> that thei searched out all the cellars of Acheron, and in verie deid raised the very devill for the disturbance thair off. The Papistes proving that thair wes na being for him in Scotland, iff that course schould continue, the politictis, feiring their craft and tread schould be undone, quhilk is to use indifferently all men and meines to effectuate their proffectes, and set thame selfes up, and it were in the throne of Christ him self: So, in the monethe of Auguste the King was movit in the Counsell at Falkland to decerne the recaveing haim the excommunicated and forfaited traitoures, apostat Earles, then to make choise of eight persounes,<sup>2</sup> viz. : Alexander Seaton, Prior of Pluscarty,<sup>3</sup> Walter Stewart, Prior of Blantyre, Mr John Lindsay, Mr Thomas Hamiltone, Mr James Elphinstone, Mr John Skeene, Mr David Carnigy, and Mr Peter Young of Seton, quhair of the chieffe were much suspected of Papistrie, called OCTAVIANS, quho schould have the chieffe matters and effaires of the Kingdome haillie concredited<sup>4</sup> to them ; and thairwithall the Countesse of Huntly, ane professed obstinat Papist, to be resident at the Court, and haiff the gouvernement of the Queine's persoune, or cheife attendance and caire upon hir. These things effectuat in the moneth of October.

The Commissionaris of the Generall Assembly, being put in just feir, wer moved to meit together at Edinburgh, in the monethe of October ; quhair they resolved to abide and continue till they had usit all meines that lay in them for preventing of so dangerous attempts to the Kirk, and estait of all the realme, not omitting daylie to deille with the Kinges Majestie and Counsell annent these proceedings, and making the doctrine from pulpits strangle to sownd

<sup>1</sup> Politicians.

<sup>2</sup> University MS. reads, " And therfor called ' The Octavians,' "—but does not give their names.

<sup>3</sup> Pluscardine.

<sup>4</sup> Entrusted.

against thame, that no privie dealing nor<sup>1</sup> admonitioun could take place for staying thair of.

In the mean tyme, Mr David Blak, a faithfull watchman in the ministerie at Sanct Androes, made for warneing to the peiple, in ane sermone of his, from the pulpit at St Androes ; for the quhilk, without any complaint of him maid aither to the Sessioun or Presbyterie, or to the Commissionares of the Generall Assemblie, he was summond at ane certaine day to compear before the King and Counselle, at Edinburgh, quhair the Commissionares of the Generall Assemblie being sitting, he advysethe with him self and tham quhat to doe ; and be the commoune advyse, and consent, and counsell of the haill Ministerie that conveined with the said Commissionares, he was moved to give in a Declynatour, in wryt, subscribed by the hands of all, schawing, by maney invincibill reasons out of the Word of God, that the King and Counsell could not be Judges to the Ministeris of God their doctrine utterit from pulpit, *in prima instantia*. A coppie of the quhilk Declinature, for the mair weght and strenth, wes with all dilligence sent by the Commissionaris of the Generall Kirk to everie Presbyterie [and] through every Province of the realme, and returnit againe to them subscribed by the hands of every severall Minister in Scotland ; with humble and earnest exhortatioun to his Majestie's Counsell to use the ordour prescryved by the Word of God, constitutiones of the Kirk, and established by the lawis and practise of the realme. The tennor of this Declinature<sup>2</sup> followis :

<sup>1</sup> "Dreiding or." University MS.      <sup>2</sup> This very important paper is omitted in both of the MSS. belonging to the Advocates' Library. It has, however, been preserved in the University MS., and has also been printed in Calderwood's Hist. fol. edit., pp. 353, *et seq.*

It may be remarked here, that very few of the Original Papers have been preserved in the two transcripts belonging to the Faculty of Advocates, both of which have been very carelessly copied ; but it is satisfactory, that by a collation of the three MSS. a pretty correct text has now been adjusted.—*Editor*.

THE DECLYNATOUR OF THE KING AND COUNSELLE'S JUDGMENT IN  
MATTERES SPIRITUALL, NAMELY, PREICHING OF THE WORD, GIVIN  
IN TO THE SAME, ATT HALIRUDHOUSE, BE MR DAVID BLAK,  
MINISTER AT SAINT ANDROES, IN HIS AWIN NAME, AND IN NAME  
OF HIS BRETHEREIN OF THE MINISTRIE, THE AUGHTEIN DAY OF  
NOVEMBER 1596.

Decretal. Lib. 5, cap. 5.

*Quod latenter aut per vim vel alias illicite introductum est nulla  
stabilitate debet persistere.*

Calvinus Farello.

*Expecti sumus quam difficile sit eos moderari quæ viam sapientiæ  
opiniõne desipiunt pariendo tandem eluctabimur interea gemma-  
mus ferentes quæ corrigere non licet.*

“ UNTO your Majestie and Lordis of Secrete Counsell, in all reve-  
rence in Christ, humblie meines,<sup>1</sup> I Mr David Blak, Minister of the  
Evangell at Saint Androis, That quhair I am chargit be your  
Highnes' Letteris to compeir and answer for certain unrevereand,  
unfamous, and undecent speiches, alledgit be me utterit in some of  
my sermones maid in publict, in the Kirk of St Androis, in the  
monethe of October last bypast, 1596; as at more length is contained  
in the said Letteris: Quhairin, albeit the conscience of my innocen-  
cie uphaldis me sufficientlie againes quhatsumever calumnies of men,  
and that I am readie, by the assistance and grace of my God, to  
give ane Confessioun, and [stand] to the defence of everie point of  
the treuthe of [my] God, utterit be me in the said sermones, aither  
in the opining up of his Word, or application thair of, befor your  
Majestie or Council, or quhatsumevir persoun or persounes that  
upon any lawfull cause will craiffe ane account of that houe that

<sup>1</sup> Complains.

is in me, in quhatsumevir place or maner, so far as salbe requisit for cleiring and maintinance of the treuthe and of my ministerie, and may be done without the prejudice of that libertie quhilk the Lord Jesus hes given and establischt in the spirituall Office-beareris of his kingdom: Yet, sieing I am brought at this time to stand befor your Majestie and Counseil [as a Judge] set to cognosce and decerne upon my doctrine, quhairthrow my answering to the pretendit accusatioun might import with the manifest prejudices of the liberties of the Kirk, and acknowledgement also of your Majestie's jurisdiction in matteres that ar meir spirituall, quha mycht move your Majestie to attempt further in the spirituall government of the House off God, to the provocatione of his holie<sup>1</sup> displeasure againes your Majestie; and in end, ather a plain subverting of the said Spirituall Judicature, or at least a confounding thair of with the civil, if at ony time prophain and ambitioue Magistrats mycht by such dangerous beginniges finde the hedge brokine [downe] to mak a violent irruptione<sup>2</sup> upon the Lord's inheritance, quhilk the Lord forbid! Thairfor, I am movid with<sup>3</sup> all humilitie and submissione of mynd, to use a Declinatour of this judgment, at the least, *in prima instantia*; quhilk I beseik your Majestie earnestlie to consider of and accept. According to justice: For the REASSOUNES following.

“*First*, The Lord Jesus, the God of ordour, not of confusion, as apperis evidently in all the Kirkes of his Sainctis, and of quhom onlie I haiff [the grace of my] calling, as his ambassadour, albeit moste unworthie of that calling and honour to beir his Name amonges his saincts, he hes given me his Word, and no law or traditione of men, as the only instructiones quhairby I schould rewle the hail actiones of my calling, preiching of the Word, administratioun of the Sacramentes<sup>4</sup> thair of, and excerceise of Discipline; and in the discharge of his commissioun I cannot fall in the reverence of any civill law of man; but in sua far as I salbe found to<sup>5</sup> pas the com-

<sup>1</sup> Cald. Hist. “Hote.”<sup>2</sup> Univ. MS. “Corruptione.”<sup>3</sup> Cald. Hist.

“Constrained us.”

<sup>4</sup> Cald. Hist. “Seales.”<sup>5</sup> Cald. Hist. “Have

passed.”

passee of my instructiounes, quhilk can not be judgit, according to the order establischt by that God of ordour, bot be his prophetes, quhoise lypes he hes oppined, and appoynted to be the keipers of his heavenlie wisdom, and to quhilk he has subjected the spiritis of the propheitis. And now, sieing it is the preiching of the Word quhairoff I am accusit, quhilk is a principall poynt of my calling, of necessitie it must be that the propheitis first cleir<sup>2</sup> quhither I haiff keipit the boundis of my directiounes befor I cum to be judgit be your Majestie's power<sup>3</sup> for my offence.

“ *Secondly*, Because the Libertie of the Kirke and hail Discipline thereof, according as the same has bein and is presently excerceised within the boundis of your Majestie's realme, hes bein confirmed by diverse actis of parliament, and approved by the Confessioun of Faith, be the subscriptionnes and oathes of your Majestie, your Majestie's Estaites, and hail bodie of the contrie, and peceable brooked be the Office-beirares of the Kirke in all poyntes; and namely, in the foresaid poynt annent the Judicatorie of the preiching of the Word, *in prima instantia*; as the practeis of diverse lait exemples evidentlie will schaw. Thairfoir, the questioun annent my preiching aught, first, according to the groundis and practise foirsaid, be judgit be the Ecclesiasticall Senat, as the competent Judge thairof, *in prima instantia*.

“ In respect quhairoff, and for diverse other weightie causes and consideratiounes, namelie, for eschewing the gryt and dangerous inconveniences that myght both fall out to the Religioun and to your Majestie's awin Estaite by the appeirance of distractioun of your Majestie's affection from the Ministrie and good cause of God in their hands, to the greiff of your Majestie's best subjectes, and to the encouragment of the adversaries, boith of your Majestie's Estate and Religioun. Thairfoir, I most humblie beseche your Majestie, in name of my Breitherein the Commissionaris of the Generall Assemblie, and the remanent of the Breitherein of the Ministerie, quho, for testifieing of thair earnest affectioun and allowance of the pre-

<sup>1</sup> Cald. Hist. “ Must first declair.”

<sup>2</sup> “ Of your Majestie's lawes.” Cald. Hist.

misses, hes subscriyved thir presents with their handis, that your Majestie, in this action, would manifest your earnest cair to mentein that libertie quhilk the Church of Christ within the countrie, for the confort of his saintis, with so gryt blessing enjoyed, since the Gospell was first revealed in this land, wherethrough the godlie may be comforted, the adversaris frustrated of their expectatione, and your Majestie truly honoured, in honouring the Lord Jesus."

This moved the King and Counsell so, that by oppin proclamatione, conteneing a most scandalous narratioun against the Ministers of the Kirk and their proceedinges, the Commissionaris of the Generall Assemblie wer commandit to avoid<sup>1</sup> the toun, and goe home to thair places, within aught and fourtie houres. The quhilk commandement, efter they had directed lettres to all the Presbyteries of the land concerneing thair proceedinges, and the cause of thair departour, they humbly obeyed; the coppie of the charge followes:

[CHARGE AGAINST THE MINISTERS, &c.]

"JAMES, be the grace of God, King of Scotis, To . . . . .  
Messengers, our Shereffis in that pairt, conjunctlie and severallie, speciallie constitut, greiting: Forsomeikle as we, with consent of our thrie estaitis of our parliament, in the yeire of God 1584, undirstanding that gryt inconvenience and harme has fallin in our realme throw the wicked and licentious privat and publict speiches of untrue calumneis of diverse his subjects, to the disdain and contempt of our Consell and proceedinges, and to the dishonour of us, our parantis, and progenitouris, and estaite; steiring upe of our subjectes thairby to mislyking, seditioun, unquyetnes, and to cast off all thair due obedience to us, to thair awin evident perrell, tinsell,<sup>2</sup> and distructioun, we always concurring in love and clemencie towardis

<sup>1</sup> Retire from.

<sup>2</sup> Loss.

our subjectes, and maist willing to seike thair saifetie and preservatioun: Thairfoir, it wes then statuted and ordained be us and our estaites of parliament, that non of our subjectes, of quhatsum-ever functione, or degrie or qualities, in tyme comeing, schould presume nor tak upon hand, privatlie or publiclie, in sermones, declamatiounes, or familiar conferences, to utir any slanderous speiches to the disdain, contempt, and reproche of us, our Conseles and proceidinges, or to the dishonour, hurt, and prejudice of us, our parentes and progenitouris, to meddell with the effaires of us and our estait, present, bygaine, or to come, under the paines contained in our actes of parliament, againes the mockers and tellers of lies betuix us and our subjectes, quhilk is the pain of death; certifieing thame that sould be found contraveinere thairroff, or that heires sick alanderous speiches, and repeitis not the same with dilligence, the same salbe execute againes thame with all rigor, in example of utheris; as in the aught parliament fairsaid, 1584 yeiris, at lenth is contained; in the quhilk also, be ane uther act, our royall power above all estaites, boith spirituell and temporall, wes estabillischit; and thairfoir, it wes ordained, that no persoune, functione, or degree, spirituell or temporall, schould declyne our judgment in any materes of seditioun or of treassoun, or of uthiris civill or criminall causses, or in any contumelious, seditious, or tressonable speiches uttired be thame in pulpites or schoolis, or uthirwayes, to the disdaine, reproch, and contemp of us, our Counsell and proceidinges, undir the pain of tressoun, as the said uther act at mair lenth is contained: And by reassoun the said wickit and licentious forme of speiches, publict in sermones and pulpites, and meddling with the estait daylie increasses, be impugninge of loveabill actes of parliament, Counsell, and proclamatiounes following thairupoun, with our loveabill decreitis in civill materes givin with advyse of our Nobilitie and Counsell, royall power and auctoritie, in all civill and criminale matteres of seditioun and treassoun, being brought in doubt and quæstioun, as thought we wer not Judge to any speiches, of quhatsumevir qualitie, uterit in pulpit, or that the said place for utiring

of God's Word, in truth and in veritie, schould be a girthe<sup>1</sup> and immunity to false, seditious, and treasonabill words, and a caus of declyneing of our Judgement thairin ; as also the samyn is most negligently sufferit be the auditouris thairof ; testifying thairby, in a maner, they consent, specialie be the Magistrates and men of power to quhom the executioun of all guid lawis, and maintenance of our auctoritie properlie pertaines : Thairfoir, it is statute and ordained, that ilk Schereff, Stewart, Bailies of our Regalities, Provest, Bailies and Counsellis within Burghes, Nobill men, Barrounes, and Gentil men of power to landwart, and ilk ane of thame, conjunctlie and severallie, quho sall be present auditores and hereres of any sic false and seditious, or treasonabill speiches foirsaidis, *respective*, and sall not apprehend, keip, and detein the heireres thairof, quho sall suffir the utirer to speik publictly any mair within the bounds and jurisdictione foirsaid : And that lettres be directed be us, at our Advocattis instance, chairging the said Bailies, Stewartis, &c., ilk ane of thame *respective*, to put our said act of parliament, and this our present act, to dew executioun, undir the pain foirsaidis, within aught and fortie houris eftir ilk ane of thame be chargit thairto, undir the paine of rebellious ; and if they failie, to denunce, &c. : And that the tryall thairof sall come in maist summarlie, suspensioun, by way of supplicatioun and charge to ane messinger, to summond the said Advocate the morne efter the charge be obteneit be the pairtie chairgit, and to be deseyt severallie before us and our Counsell, in caice the pairtie chargeit deny all bygane contraventioun, and offir to find cautione undir gryte sowmes, in caice he haiff bein found to haiff contraveinit, and for obedience in tyme comeing ; but<sup>2</sup> prejudice alwayis of our richt and power to seike furdur paines, sike as paine of lyffe, landis and guidis, competent to us againes the not reveillares of lyes, seditioun, and treassoun, according to the qualitie of the said speiches *respective*, quhilk salbe publictly utterit, and not stoppitt and reveillit<sup>3</sup> be the persounes foirsaid, heireres thairoff, conforme to the auld loveabill lawis and consuetud

<sup>1</sup> Sanctuary.<sup>2</sup> Without.<sup>3</sup> Stopped and revealed.



of our realme, in pursuite of seditiounes and treassounabill persounes. Our Will is, &c. : Mak publicatioun heiroff."

The second Declinatoure of the King and Counsailes Judicatur in matteris spirituall, namely, of the preiching of the Word, gevin to the samyne att Edinbruche, the 30th of November, by Mr David Blacke, in his awin name and of the hail Ministerie, quho had everie ane in their awin persounes subscrievd the formere.<sup>1</sup>

The next sermone day, quhilk was the 17 day of December, advertisement comes to the Breither in the morneing, that about ane hundreth of the best professouris of the burgesses of the towne of Edinburgh were commandit to warde, out of the towne; [and the favourers of the Papist Earles, their servants, and friends, and clyents, were flocking to the toun, and gathering together therein.<sup>2</sup>] The Watchemen,<sup>3</sup> as duetie required, maid wairneing, and after the sermone requeist the Nobill men [and Gentlemen<sup>4</sup>] that wer present, in the name of Christ, to meit there immediatly in the West Kirk,<sup>5</sup> thair to advyse quhat were meittest to be done for preventing Popische attempts. The hail number gathered and convenit thought it maist fitt that a guid number of the best that were thair schould be directed to the Kingis Majestie and Counsell, presently sitting in the commoun Judgment-place, thair to complein humbly and heavilie of the dischairging of the Commissionaris of the Generall Assemblie, and of the trubleing of so mony honnest men without a causse, and of the libertie and freedome granted to excommunicat tratour Papists.

Traitours, whill as these wer attending his Majestie's answer, and the rest of the Nobill men and Gentill men abyding togider in the Kirk, and waiting for his Majestie's pleasoure, out comes ane with a gryt fray, and sayis, "The Papistis ar in armes to tak the towne, and to cutt all your throattis!" Quhairat the Nobill and Gentill

<sup>1</sup> This document is contained in the Univ. MS., but omitted in the others. It is to be found in Cald. Hist. folio edition, pp. 346-348.

<sup>2</sup> Omitted in Univ. MS.

<sup>3</sup> The Ministers of Edinburgh.

<sup>4</sup> Note in Univ. MS.

<sup>5</sup> The parish Church of St Cuthbert's, without the walls of the city. Univ. MS. reads, "in the nixt Kirk."

men, with gryt feir and haste, arose. The tumult raissit, all the towne gois to armes, and coming togidder to the commone streit and mercat-place; but within les space nor ane houre of time, by the Ministers of Edinburgh thair travell, runneing amongis thair awin people, and forbiding thame, the tumult wes stayit without any hurt or harme to any man. His Majestie by all wes most reverentlie convoyit from the place of Judgment downe to the Palace off Halirudhouse; quhair, at aftirnoone, the Nobill and Gentill men directed to complaine were attending ane answer, by ane messenger sent by the King and Counsell wer commandit to depart forth of the towne, and to goe home, within so many houris, to thair places, under the paine of tressoun. The tumult is declairit to be seditious and treasonabill, and the Ministers of Edinbruche the cheif autouris thairoff; the burgesses of the towne, the committeres and all pairt-takeres of quhatsumevir place or ranke, guiltie.

The King with his Counsell makes haist from of Edinbruche to Lynlythgow, and thairfra, 20 December 1596, directs chairges to the Proveist and Baillies of Edinbruche to apprehend thair four (five) Ministeres, [viz., Masters Robert Bruce, Walter Balcanquall, William Watsons, James Balfour, and Michael Cranstoun,<sup>1</sup>] and put thame in stronge and closse prissoun to abynd thair tryalls. The Ministers after advyse with the chief and wysest of thair flockes, thought best to ceid<sup>2</sup> and give place to the present furie, and reserve thame selfis alyve to a better tyme; mainly tendering his Majestie's estait, leist he schould be seduced by wicked men and Counsell to doe that quhilk too lait mycht be repented; and sua, eftir the Apologie sett doune in wrytt, they withdrew tham selves secretlie, and lurkit by the space of half ane yeare. The tennor of which Apologie followeth:<sup>3</sup>

<sup>1</sup> The names of the five Ministers of Edinburgh are not inserted in Univ. MS.

<sup>2</sup> Adv. MSS. "To flee." <sup>3</sup> The reader is here referred to the note on p. 522 of this work.

ANE HUMBILL SUPPLICATIOUNE APOLOGICALL, AND FAITHFULL  
ADMONITIOUN, TO HIS MAJESTIE AND COUNSELL, GIVIN AT  
THAT SAME TYME BE THE COMISSIONERES OF THE GENERALL  
ASSEMBLIE, IN NAME OF THE HAIL KIRKE.

“ Pleas your Majestie, and your Lordships of your Majestie’s  
Councell : For alsmeikle as the Generall Assemblie of the Kirk, hal-  
dine at Edinbruche in the moneth of Mairch last bypast, consider-  
ing, that the iniquity of the land in all estaitis wer allredie com to  
the fulnes that it could not longer suffer a delay of the judgmentis  
threatnid againes the contempt of this aige; and percevinge the  
raige of Sataun kendled up all his instrumentis, also weill within  
the contrie as without, that evin then it appeirit that the Lord wes  
preparing the scourge of his indignatioun quhairwith he wald straik  
undoutedlie befor it wer longe; thairfoir, thai gaif thair commis-  
sioun to certaine chosine Breithreine, quho, upon the occasioun of  
the approching of the angrie continance of God, mycht assemble  
thame selffes togidder, and give thair attendance upoune the Lord’s  
working, that by thair fidelitie, every ane of thame, in thair awin  
calling, mycht be in the convenient tyme steirit upe unfainedlie to  
turne unto God for preventing of his wraith: According to the  
quhilk, being heir conveyit, and finding the foirfaulted, excommu-  
nicated Earles to be returnit and remaineing within the contray,  
and to strenghtene thame selves dayly, by impunitie and ovirsycht,  
quhairthorowe they become able to give the concurrance to the for-  
raineemie, in caice of forraine assault, and lykewyis to attempt be  
thame selves and thair confederatis within the contray, quhatsum-  
ever purpose mycht be prejudiciall to the Kirke of God and your  
Majestie’s estait, quhilk is a evident argument of the wraith of the  
Lord to be at hand, and moir neir alwyis nor it is apprehendit be  
your Majestie: We can nocht, thairfoir, but give your Majestie  
faithfull adverteisement, beseiking your Majestie to give heid thairto  
without all preoccupied mind and affectioun, as we be the grace  
of God, in sinceritie, love, and humilitie, sall propone the samyne to

your Majestie: And becaus we, our Presbyteries and Ecclesiasticall Judgmentis, ar greivouslie traduced at Tabillis, Counsel, and mercat-crosses in publict proclamatiounes, be geiving us out to be unlawfully occuppyed in devyseing and setting doune of formes, ruelis, and places, altogidder againest the law of God and man, prejudiciall to your Majestie's auctoritie and persoune, to presume proudly to mak convocationes and tumultis, to intend to brek your Majestie's peace, the raiseing of truble, seditiounes, and insurrectiones, confusioune, discord, and uther inconvenientis in your Majestie's contrie; seiking only to cullour thair doinges under frivolus pretences and comissiounes, as thought we war nocht your Majestie's subjectis, or [your] Majestie hes nocht power to command us, and to be usurperes of auctoritie ovir our awin brethrein; to be cairles ovir our flockis, and leafe thame comfortles: Quhilk crymes, if they mycht justlie be laid to our charge, we wer of all your Majestie's subjectis [most] unworthie to live, lett be to haif the reconciliatioune to the world: And as they ar publischt againes us, sua calumniouslie thay can proceed from no uther fountane then from the dregis of antichristiane sinne, and can tend to no uther end bot to the disgrace of our holie ministerie, that thairefter the truth it self mycht lykwyis fall into discreidit, and then ane plaine way mycht be laid oppine to Papistrie or Atheisme, quhilk we beseik your Majestie to consider and tak heid wysely in tyme, befor it com to a kanker that can not be cured. For this caus we wer compellit, for cleiring of our ministrie, and purging of us of all suspitioune of sick unnaturall affectiounes and offices towardis your Majestie and the estait of your Majestie's contray, to call the Grypt Judge, that knawis the secreitis of all heartis, and sall give to everie on according to thair secreite thoughte thair of, to judge betuix us and the auctouris of all thaise callumnies and speiches, befor quhoise tribunall we protest that we haif allwayis borne, now beiris, and sall beir, God willing, to our lyffe's end, also loyall affectiounes to your Majestie as any of your Majestie's best subjectis within your Majestie's contrie, of quhatsumevir degrie or ranke, and according to our powir and calling, salbe, in the grace of our God,

als readie to procure your Majestie's welfair, peace, and advancement, as ony of the best affectionat quhatsumevir: Lykas we call your Majestie's awin heart to record quhair thay haif nocht found it in effect, sua in your Majestie's streatis;<sup>1</sup> and if your Majestie be nocht fully perswadit to find the lyk of us all, if it sall fall out that your Majestie haif occasioun in your difficulties to haif the tryall of the effectioun of your subjectis againe, and quhatsoevir we haif uttirit, ather in our doctrin or uther actiones to your Majestie, it hes proceedit from a zealous affectioun to your Majestie's welfair, nix to the honor of God, above all thingis, as we protest; chuisseing rathir, be the libertie of our admonitiounes, to hazard our selves then by our sylence to suffir your Majestie, in the wraith and judgment of God.

"In respect quhairof, we most humblie beseik your Majestie so to esteim of us and our proceedinges as tending allwyis, in gryt sinceritie of our heartis, to the establisching of Religioun, the suretie of your Majestie's estait and croun, quhilk we acknowledge to be inseparabillie conjoyned thairwith, to the commoun peice and welfair of your Majestie's haill contrie, as the Lord knawes; and that your Majestie would earnestlie consider quhat may be the intentione and end of such as haif sua subtilie and cautely<sup>2</sup> drawin your Majestie to exagitat thir thornie questiounes, and unnecessar at sic tymes, quhairin every appeirance of your Majestie and Majestie's course from the Ministrie of the Gospell and Preichours thairof, will give a dipe wound in your Majestie's subjectis, and ane greit encouragment to the adversaris, quhairby they may and doutles wilbe bold to attempt the highest, in this sua greitt advantage quhilk is presented to us upone this occasioun: For we persuade our selffes, howsoevir the first motioun of the actiones mycht haiffe proceedit upon ane purpose of your Majestie to haif the limitis of the Spirituall jurisdictione distinguischit from the Civil, yit the samyne is intertenit and blawin up by the favouris of thame that or and sall prove the grytest enimies that eyther your Majestie or

<sup>1</sup> Straits, difficulties.

<sup>2</sup> Craftily; from Fr. *cauteller*, to deceive or cozen.

causs of God can haiff in this contrie; thinking heirby to engendir sik a mislyking betuix your Majestie and the Ministeris as sall by tyme tak away all further trust, and make ane divisoun betuix the irreconcilabill, quhairby your Majestie mycht thinke your grytest friendis, (quhilk the Lord foirbid, for his mercie's saike!) as lykwyis herby to mak your Majestie's affectioun towardis the foirfaulted Earlis manifested to the hail world; as if this heat on your Majestie's pairte, againes the Ministerie, had proceedit upoun occasioun of the Kirke insisting againes the said Earlis, quhilk, out of all questioun, is thought alredie, and wilbe thought mair and mair, if your Majestie insistes further in this forme. And further, we maist humblie beseik your Majestie, sieing thair is no necessitie at this tyme, nor occasioun offirid upon any pairt, to insist on the decisoun of implicat and unprofitabill questiounes and processis, to the deversoun of your Majestie's intentioun and causses from againes the adversaries upon the Ministerie; albeit yit, be subtill craft of the favoureris of the adversaris of your Majestie's quyetnes, sum absurd and allmost impossibill suppositiounes, (quhilk the Lord foirbid sould entir in the heartis of his Messingeris!) be drawin in and urgit importunatlie at this tyme, as if the seortie<sup>1</sup> and priviledge of your Majestie's crowne [and] auctoritie royal dependit upon the present decisoun thairrof.

“That thairfoir it wald pleis your Majestie to remitt the decisoun thairroff to ane lawfull Assemblie, that mycht discern thairupone according to the Word of God, and not to croach<sup>2</sup> on the limit of Jesus Christ, under quhatsumevir pretence, and to bend to your Majestie's actioun, according to the sycht of God, according to the light he hes givin us in his truth; that the speciall caus of the blissing that hes remainit and remains upoun your Majestie and contray, since your Majestie's coronatioun, hes bein and is the libertie quhilk the Gospell hes had within your realme, and of your Majestie, undir quhatsumevir culloure alledge the same, directlie or indirectlie, the wraithe of the Lord Jesus salbe kendlit againes

<sup>1</sup> Surety, stability.<sup>2</sup> Encroach.

your Majestie and kingdome ; [of] quhilk we haif forewairnit yow, in the name of the Lord Jesus : That your Majestie's and Counsel's blood ly not upoun us, chaarge, in lykways, your Lordships of his Majestie's Counsel and Nobilitie, in the name of the Lord Jesus, to give his Majestie feir and faithfull counsel ; and as hithertill to the honour of God and your Lordships' just paines, ye haif keipit your selffes, baith in counseling and actioun, from all prejudice of the libertie of the Gospel, by laying ony injunctiounes of the Ministerie thairof, sua your Lordschipsis wald at this tyme wyisely and godliilie forsie that they be nocht drawin in the guiltines of sic ane greit sine againes the throne of Christ, by the craft of sic as hes bein subtilie seiking the thraldome of the Gospell, and now wald laye the guiltines of thair malicious devyces on your Lordschipsis as auctoris of thea<sup>1</sup> iniquities, but yit be your advyce and credit, at his Majestie's hand, all controversies moved thairanent be remitted to a frie and lawfull Assemblie, that the samyn may be queitlie reassouned and concludit with greit evidence of the Word of God, as becomes in a matter of sua greit a weight, impairting the brawling of Religioun estabilishchit, quhairin we assure our selffes your Lordschipsis sall doe exceptabill<sup>2</sup> service to God, and profitabill to his Majestie and haill contraye."<sup>3</sup>

Incontinent thairefter, the Ministeres [were also charged to appear before the King and Councill the 23 of October, as traitors, seditious, and convocaters of the leidges. The Ministeres]<sup>4</sup> are denounced rebels and put to the horne, and so are the specielle citi-

<sup>1</sup> These.

<sup>2</sup> Acceptable.

<sup>3</sup> This important document is contained in the Univ. MS. only. It is followed in that MS. by "A DECLARATION of the Commissionaris of the Generall Assemblie, [their] Proceedings annent the Petitioun proponit be thame to the Kingis Majestie, for ordour taking to purge the land of excommunicat, idolaterus Earlis, and contraverse fallin out be occasioun thairof ; directit be the saidis Commissionaris to everie Presbyterie." That paper being very prolix, and besides being contained in the folio Edition of *Cald. Hist.*, (pp. 359-363,) and will of course be printed for the Wodrow Society in the progress of that work, it has not been deemed advfable to reprint it here also. The "Declaration" is not preserved in either of the Adv. Lib. MSS.—EDITOR.

<sup>4</sup> Not in Univ MS.

zenes<sup>1</sup> and burgesses of the towne of Edinburghe ; the towne is de-  
pryved of hir libertie, namelie, in chuseing off Magistratis and  
Ministeres, saiff only sic as it sould please the King to put in over  
thame. And thus was the Kirk and towne of Edinburghe, the very  
Sioun<sup>2</sup> of our Jerusaleme, overthrawin and put at undir !

This successe ovir the toun of Edinburgh emboldit the enemies  
so, that publishsing ane Book of Questiounes, quhairby the Disci-  
pline and Governement of the Kirke wes maid dispautabill and  
brought in dout ; [whereas the custome of the Kirk wes before, in  
all common matters, and of any importance, after earnest prayer  
and searching of the Scriptures, evidence of doctrine, power of ex-  
hortation, grave reasoning, and long time taken in consultation, and  
good advysement, to conclude and determine all things, by the uni-  
forme consent of the whole Assemblie convened.<sup>3</sup>] The King wrytis  
to the Presbyteries severallie, and appoyntis ane Conventioun of  
the Ministerie with the Estaites of the realme to be in Pearth, in  
the end of Februar, thair to dispute and discyd the Questiounes.  
The Ministerie conveyning, they were in gryt perplexitie and dout-  
sume anguisch of mynd, for the best saw cleirly that the owirthrow  
of the Discipline and Governement of the Kirk wes sought, and  
thairfor wald noways condiscend to mak the meitting a Generall  
Assemblie, or entir in reassouning of the Questiounes, but remitted  
all to the ordinar Generall Assemblie apoyntit in Apryl.

The wisest perceaved that by most dangerous and pernicious  
counsel, the Kirk and King wes brought to be most aposit, that the  
safetie of ane was wraike and undoeing to the other ; and, thairfor,  
taking pity of boith, they thought meittest sumquhat to mitigat the  
King, and by ane pice of toleratioun to putt off ane evill tyme.  
The gryt number, in the meine tyme, pairtlie terriefed by threat-  
neings, and pairtlie allured with faire promisses of the restoring  
of the Ministerie of Edinburghe, and making all things goe weill,  
yit wer brought to inclyne to the Court ; for thairwithall gryt bussines,  
paines, and pollicie wer usit by courteouris to rent the Mini-

<sup>1</sup> Adv. MSS., " Artificers."<sup>2</sup> Adv. MSS., " Sun."<sup>3</sup> Not in Univ. MS.



steris in contrarie factiounes. Many of the best witts and giftis, namely, of the North part of Scotland, were brought to the King's presence, and kisses of his handis to quhom complaints wer maid of the undiscreit, severe, and unreverend usage, pryd, and arrogating of the hail Discipline of the Kirke of the Sutherene Ministeres, namelie, of the towne of Edinburgh and St Androis. That the Northland Ministers were men of better dispositioun and discretioun, with whom his Majestie being acquaintit and haifeing to doe with, sic things they sould sie in schort tyme that all matteres schould be composed and brought to a guid poynt, and so fraughtit with guid hope and Court holye watter, wer sent out to deall with the multitud that wes of purpose thair assemblit and conveyned out of the North pairts, in favour of excommunicat Papist Earlis' Articles, quho sought to be relaxit and restorit againe to the Kirke: So that, in the end, the greater pairt overcame the best; and eftir four dayis deliberatioun and contraverting of the mater, that meitting wes decernit to be a Generall Assemblie of the Kirk; howbeit the last Moderator was absent, no exhortatioun maid at the begining thair of; the Clark being laitlie deid, no new [one] wes chosine; no new Moderator wes chosine now: The Assemblie ordinar Generall wes to be keiped in Appryl. They intendit lichtly to dispaup of sume off the Questiounes, viz., in disputation, referring the rest to the next Generall Assemblie, to be haldine att Dundie in the moneth of Maye nixt following, and thairwithall they gaiff commissioun to certaine of the Ministeris of the North to receave<sup>1</sup> the offers and takines of repentance of the excommunicat Earles, and report to the nixt said Assemblie.<sup>2</sup>

<sup>1</sup> Univ. MS., "Heir."

<sup>2</sup> There is a note in Adv. MSS.: "That which followeth in this page should preceed the Assembly of Perth. Here should also be insert The Book of Questions, and Answers given in thereunto."

In the Univ. MS. there follows "ANE APPOLLOGIE OR DECLARATIOUNE off the causses that moved the Ministers of Edinburgh to withdraw thame selves from thair flockis for a season," &c. This has been inserted by Mr Ninian Dunlop, along with "The Buik of Questiounes," in the Univ. MS., but they have already been printed in a former part of this work. See pp. 374-383, and pp. 390-403.

## M.D.XCVII.

In the moneth of Februar thairefter following, upon the twentie-four<sup>1</sup> day thairoff, being the Saterdag, betwixt nyne and ten houris befor noone, a maist fearfull and conspicuous ecclipse of the soun began, quhilk continuit the space of tua houris ; for the body of the moone enterit on that of the sonne. Till the going off the samyn,<sup>2</sup> the haill face of the sonne semit to be coverit and darknet about halff ane quarter of ane houre, so that non could sie to reid on a buik : The starris appeirit in the firmament, and the sea, land, air, and tries sua still strickin deid, as it war, that upon thair astonishment the faintnes of heartis of men and womene, foulis and beistis, were prostrat to the ground. I knew, out of ephemerides and almanak, the day and hour of it, as was also, by the naturall philosophie, the causses. I sett my selff to marke the proceedingis of it in a basine of watter mixit with inke, thinking the matter but commoun ; but yit quhair it com to the extremitie of darknes, and I my selff lossit all the sunne, I was struckin with such feir and astonishment, that I had no refuge but to prostrat on my kneis, and commend my selff to God, and to cry for mercie. This wes thought by all the wyiss and godlie verie prodigious ; so that in pulpit and by wrytting, boith in prose and verse, admonitiounes wer given to the Ministeres to be warr that the changeabill glistering shaw of the world sould not go in betwix thame and Christe, and remove the lycht of his countenance from his Kirk.

That samin yeir, in the moneth of Julij, thair was ane earthquake quhilk maid all the North pairtis of Scotland to Kintail,<sup>3</sup> Ross, Cromarty, Braidalbain, evin down to Perth, to schaik ; even as quhen King Uzzias<sup>4</sup> usurpit the preisthood, was the great earthquake in Judea<sup>5</sup> mentioned by the Prophets Amos and Zacharias, Amos i. 4 ; Zech. xiv. 5. Likewayes, in the yeir preceeding, a most monstrous and feirfull birth wes brought furth, not farr from the Kingis

<sup>1</sup> Adv. MS. "25 day."  
MSB. "Kintyre."

<sup>2</sup> Adv. MS. "Going down of the sun."

<sup>3</sup> Adv.

<sup>4</sup> Uzziah, king of Judah.

<sup>5</sup> Univ. MS. reads "Jordane."

Pallace in Falkland, in Fyffe. Quhat thais things, and such like signes in the hevins, as heirefter in thair awin place salbe markit, did portend and threttin, the wyise and godlie did tak guid notice of, and weill consider, as by their sermounes and monumentis of their verse wes maid manifest.

It is not to be omitted, that the Bretherine conveyit in that meitting, being desyrit be the King's Comissionaris sent from his Majestie to that effect, to repair to the place quhair his Hines and Estaitis wer presentlie sitting, to confer anent the Kingis Questionis, they, at his Majestie's desyr, resorted to the Counsel-hous, and thair, befor any further reasoneing, efter the King had discoursit on sic thingis as wer propoundit, they protestit in maner as eftir followes :

[PROTESTATION BY THE BRETHREN TO THE KING'S MAJESTY.]

"SIR, Forsuameikle as we ar com heir to testifie unto your Majestie our obedience, to heir quhat salbe proponit to us by your Hines, in all reverence we Protest that this our meitting be not esteimed as thought we maid our selff ane Assemblie with the Estaites, or yit that we doe submitt ony matter Ecclesiastik concerning Doctrin and Discipline to your Judicatur ; but eftir we have conferrit and reassonit with your Majestie concerning the Articles propoundit be your Majestie to us, we must returne to the ordinarie place of our Assemblies to reassoun, vote and resolve, in all these points, according to the Word of God and guid conscience : And this our Protestatioun we maist humblie beseik your Majestie to insert it in your Majestie's Buikis of Counsell, for the eschewing of inconvenientis that heirefter may arryse."

And this Protestatioun was reiterat, ratified, and confirmit by his Majestie ; and, after reasouning on the Articles, the Breithrein wer demissit.

The Generall Assemblie wes holdin at Dundie, the moneth of

May following, by the King's Majestie, with great frequencie<sup>1</sup> of the Ministrie from all pairtis ; but, namely, from the North : For now the politicians and freindis of the excommunicat and forfaulted Earles had purchessit and dressit to tham selves a grypt number and factioun of the Ministrie ; and the King had maid, for his purpose, many of the wisest and best esteimit men, quhilk kythed<sup>2</sup> first in chusing of ane to be the Moderator quha wes absent ; and nixt the voitting of the relaxatioune of the apostate Earles from the excommunicatioune ; but concludit in ane pluralitie of voitis, in a led maner ; and last, in appointing Commissionaris, quho thairefter callit for at Court for everie occasioun usurpit the governement of the haill Kirk, and caried all thingis efter the King's plesoure ; for all matters become then to be first placed and drest in Court, and syne effectuat and concludit by purchessit voitis of the greitest number at Assemblies [and] Conventions ; [quhairas the Kirk and custome thairroff wes befor, in all commoun matteris of importance, eftir earnest prayer, searching the Scripturis, evidence of doctrin and powar of exhortatioun, guid reassouneing, and long tyme taking for consultatioun and guid advysment, to conclud and determine by the uniforme consent of the haill Assemblie.<sup>3</sup>] Moirover, in that same manner, the lawfulness off the Assemblie at Perth, and thinges done thairin, wes ratified, and summar excommunicatioun for notorious crymes, the feirefullest censure of the Kirk, wes suspendit, and in effect broken and takin away. In end, it is not to be omitted how matters following, quhilk that Assemblie wes solemnlie declairit by the King and haill number thairanent, the oracle declairing and ordaining, that no Conventioun of Pastouris sould be without his Majestie's knowledge and consent. His Majestie's consent is declarit to be extended to all and quhatsomever forme, either Generall Assemblies, or specially permittit and auctoris'd be his Majestie's Hienes lawes, according as they have warrand in the Word of God, as being the maist authorised and authentick forme of consent that any King can haiffe.

<sup>1</sup> Was well frequented ; numerously attended.  
 passage is altogether omitted in Adv. MSS.

<sup>2</sup> Manifested itself.

<sup>3</sup> This

## THE FORME OF THE FIRST GENERALL COMMISSION.

"The whilk day, the 16 of May, sess. 9, in the presens of the haille Assemblie, the King's Majestie being personallie present, declared, that throw the schortnes of tyme thair wes sindrie matters of weight and importance, not only concerneing particular folkis, bot quhilk did in speciall tuich the haille estait and body of the Kirk, quhilk could not commodiouslie be intreated and concludit in this present Assemblie, as namely, tuiching boith the planting of particular Congregatiounes and of the haille Kirk within the realme, quhilk as yit, thorow default of honnest intertainement, remaines unplantit, and is destitute of the comfort of the Word: And anent solid order to be takin anent a constant and perpetuall provisioun for the sustentatioun of the haille Ministerie within the realme, to the end that they be not, as in tyme bygoine, to attend and awayit on the Commissionaris appoynted for modifieing of thair stipend, and so be forcit to be absent thame selves the maist pairt of the yeir from thair flockis; to the gryt disgrace of thair callingis, disharting of their Congregatiounes, and discontentment of his Majestie, whois cair hes evir bein, and earnest desyre as yit is continuit, that every Congregatioun haiff a particular Pastour honorabillie sustein it, for the better waitting on of his cuir, and dischairging of his deutifull office in the samyn. And, thairfoir, his Majestie desyris the Breithrein to consider whether it were expedient that a Generall Commission should be granted to certaine of the most wyse and discreet of the Breithren to convene with his Majestie for effectuating of the premisses. The which his Majestie's advyse the Generall Assembly thinks very necessar and expedient; and, therefore, hes given and granted, likeas, be the tenor heirof, they give and grant, their whole power and Commission to the Breithrein underwrytten, viz.: [Masters Alexander Douglas, James Nicolson, George Gladstones, Thomas Buchanan, Robert Pont, Robert Rollock, David Lindsay, Patrick Galloway, John Duncanson, Patrick Scharpe, John Porterfield, James Melvine, William Couper, and John Clap-

pertoun,<sup>1</sup>] to the number of fourteen, or any seven of thame, to convey with his Majestie betuixt the day of thir presents and the last of the monethe of May instant; with power to thame to tak solid order annent the provisioun of Ministeres to the townes of Edinburghe, Dundie, and Sanct Androis, his Majestie's and the Prince's Houses, to giffe thair advyse and judgment to his Majestie annent the planting of everie particular kirke within the realme, to mak sic Overtures as they can best devyse, touching the Constant Plott [Plat;] and, generally, to give advyse to his Majestie in all affaires concerning the weill of the Kirke, and intertainment of peace and obedience to his Majestie within the realme; with expresse power and command to the said Commissioneres to propone to his Majestie the Petitions and Greivances alsweill of the Kirk in generall as of everie member thairoff in particular, as salbe meined unto them, *promitten. de rato.*"

Ane fair and honest taill, and ane specious fair schaw! But, alace! heir wes the deid-stroake<sup>2</sup> and baine of the Kirk, ever since the Court hes gydit hir! And so mikle as scho is inclined to the warld, so far declynit scho from Christ; as her honours increassit hir graces diminisched: For thais Commissionaris being exalted so high as to haiff accesse to the King quhen he pleisit, and to sitt with his Majestie in Counsell, began soone to chaing thair maneres and luik down on thair breithrin. They reulit as they list; they rent the Kirk in tuo quhill as<sup>3</sup> the maist pairt followit thame; and the best stood to the Kirk hir establischt constitution, with the King's distresse, reproch, and contempt of courtieres; and, finallie, they were the very neidle to draw in the Episcopall threid; our enemies kytheit againes us by them with our awin armour, and maid us with our awin handis to pull down our own walls, and ressaive in that fatall Trojan horsse.

With these forces and armouris of the Kirkis awin in the monethe of July following, they unbeset that uther maine fortres

<sup>1</sup> The names have been supplied from the folio edition of Calderwood's Hist pp. 409, 410.      <sup>2</sup> Death-blow.      <sup>3</sup> Till at length.

of hirs, quhilk wes the Kirk and Universitie of Sanct Androis; and by auctoritie mair nor order they callit the haill Presbyteries of Sanct Androis befor the King at Falkland, and retreated and annullit ane maist just sentence deprivative given againes ane most unworthie Minister, Mr John Rutherford, and reponed him againe to his place at Killuchames;<sup>1</sup> they threw out the tua maist painful<sup>2</sup> Pastours therof, togider with the Rector of the Universitie, without any advyse at all; and directlie againes the consent of the Presbyterie, appointit ane new Minister for the Kirk, and Rector for the Universitie, with sic new orders and lawis as they thought maist fitting for the course, namely, that no Professor, nor power, nor Master of the Universitie, nor Doctor of Divinity, sould sit in Presbyteries, in matters of Discipline, quhilk wes of purpose to cutt off Mr Andro Melvin.

In the winter following the Parliament wes keipit, quhairin the Papist apostate Earlis were restorit to thair livings and honouris; at the quhilk Parliament thais Commissioners, without any advyse or directioun from the Generall Assemblie, put up ane petition that the Ministers of the Kirk sould haiff voit in Parliament. Quhairupoun thair wes ane act passed, that suche of the Ministerie as would become Prelatis, sic as they wer of old in the Papisticall Kirk, sould be admitted to have voit in Parliament; the estaites of Parliament thinking, indeed, that no honnest men in the Ministrie wald undirtake such ane office, againes the quhilk the forme and tennor of thair doctrine had so longe and mychtilie soundit.

#### M.D.XCVIII.

In the beginning of the moneth of Marche following, the Generall Assemblie wes keipit at Dundie, verie frequentlie,<sup>3</sup> and with gryt expectatioun on boith the sydes. The Commissioners, on the one side, houping to be assisted and fortified be the Kingis Majestie, and be all meinis he could perswad, terrifie, or mak. For the two first dayis, thair wes nothing done, frae airly<sup>4</sup> in the morneing

<sup>1</sup> Left blank in Univ. MS.  
numerously attended.

<sup>2</sup> Pains-taking, conscientious.  
<sup>4</sup> From early.

<sup>3</sup> Very

till late at night, but calling for this and that Minister to the Kingis Majestie; and deilling with thame, that they mycht be his. The Brethreine, standing for the establishit constitutioun of the Kirke, on the uther side, finding many Presbyteries that had Grieves and Complaints against the Commissioneris, in houe to finde Godis concurrance, and standing for the caus of the Kirke; the Politicianis and Papistes, in the mein tyme, bussie to egge the bargaine,<sup>1</sup> thinking to take thair pastyme in beholding the battell and the blawis of thair enimes amongis thame selves, [as they did for sum dayis, to the gryt hart-breke of the godly.<sup>2</sup>] But the King, feiring that his purpose in setting up Bischoppis, by quhom he mycht reull the Kirk at his plesoure, sould not succeed weill that way, efter a few dayes controversies, composeit all matteres, buried the Grieves, forgaiff the Ministeres of Edinburghe, and enterit in freindschippe with thame again. Sua, at the tenth sessioun, the King had a speiche, declairing how gryt care he had to pacifie, adorne, and accommodat the Kirk, and remove all controversies, and estaibliche the discipline, and restoir the patrimonie thairroff; and farder, in effect, it wes most needfull that the Ministeres should have voit in Parliament, without the quhilk, they could not be vindicat from the povertie and contempe under the quhilk they had bein lying so long. He meinit not to bring in neither Angelicall nor Papisticall Bischoprickes, but only the best and wysest of thair Ministeres, apoyntit by the Generall Assemblie, sould haiff place in Counsell and Parliament, to sitt upoun thair awin matteres, and sie them done, and not to stand alwayes at the doore, dispysit like poor supplicantis, and not regardit. In the mein tyme, he promisit solemnelie to deill with the taxmen of the teinds,<sup>3</sup> by his Hienes' auctoritie, for the augmenting of the stipendis of the Ministerie of the Kirke, and to mak a law to compell such as wer not willing; for the quhilk caus, everie Minister sould doe weill, against a certain day, to give in to his Majestie's Exchakers and Commissioneris of the

<sup>1</sup> Foster, or encourage the strife or quarrel. The Univ. MS. reads "ogill;" to spy or look on the quarrel, as an unconcerned spectator.

<sup>2</sup> Not in Adv. MSS.

<sup>3</sup> Those who held tacks or leases of the tithes.



Kirk, the names of thair takismen and estait of thair Kirk. And because sindrie of the Britherine desyrit to be satisfied of his Majestie's mynd, by his awin mouth, towardis certaine of the Ministeris, and in speciall towardis the Ministeris of Edinburghe, anent quhatsoever the thortoris<sup>1</sup> and accidentis fallin out, thais tua yeiris bygaine, his Majestie, for making of his Majestie's mynd to be moir cleirlye to be understood by the haill Britherine, declaired his mynd to be contentit and satisfied with the Ministeris of Edinburghe, and that his Majestie did beir no grudge nor evill-will to any of thame for any accidents that hes fallin out in ony tyme bygaine; and that the samyne sould never be rememberit by his Majestie in tyme coming, but that his Hienes and they (quhilk the Ministeris of Edinburghe willinglie consentit) sould never call any of these accidentis fallen out, in any tyme bygaine, to remembrance; neither mak mentioun of the samyn, in privat speiches or publict sermones, in any tyme herefter. This being done, and the heartes of many hereby movite and conciliat, the Generall Commissioun was renewit for the Constant Platt, to put the finall end and conclusioun to the samine, and solemnelie to plant every particular Kirk within the land: *Item*, to plant Ministers in burghs, and in the King and Prince their Housses; also to attend upon the Parliament, and to give thair advyce to his Majestie for avoyding and eschewing any danger or inconvenient quhilk may be lykelie to fall out in the prejudice of the Kirke; and lykwyis, in caice his Majestie sould find him self grieved, or craive redresse of ony enormitie done to his Hienes be any of the Ministerie, with power to him and the saids Commissioners, or any nyne of thame, to sitt and recognosce upon the samine, and suafurth.

In the eleventh and twelfth sessioun, the maine purpose wes handillit and concludit as followis:

"Forsomuch as the Commissioneris of the Generall Assemblie, at the Parliament haldin in the moneth of December last bypast, upon ane earnest zeale that they did evir beir to the weill of the

<sup>1</sup> Disagreements, wranglings.

Kirk, had givin in certaine Articles to the Lordis of Parliament concerning the libertie of the Kirke; and in speciall, had craivit that the Ministerie, as representing the trew Kirk of God within this realme, and so being the thrid Estait in this realme, nicht haiff the voit in Parliament, according to the loveabill actes and constitutiones maid befor in Parliament in favouris of the freidome of the Holy Kirk and hir liberties; quhilk, their travells and endeavours, proceeding allwayis upon a godly intentione, they submittit presentlie to the censure of the present Assemblie; desyring the Bretherin to allow or disallow of the samyn, as they sould think most expedient for the glorie of God and estaibilisching of trew Religion within the realme. Quhairupon the Bretherine being ryplie advysed, allowit the honnest and godlie intentione of the Commissioneris in craiving voitt in Parliament for the Ministrie: And forsomeikle as his Majestie, willing to uttir the guid intentione that he hes allwayis borne to the estaiblishing of the true Kirk of God within this realme, declaired that, for the bettir performance thairoff, his Hienes had assistit the Commissioneris of the last Assemblie in craifing voit in Parliament, in name of the Kirk; quhilk thair suite, albeit in some pairt, and as it wer in a certaine manner, grantit be the Lords in the Parliament, yit the acceptatione thairoff, the forme, constitutiones, and haill of the persones, wer reservit to the Generall Assemblie, to be acceptit or refusit as the Kirk sould think expedient: And sieing his Majestie had anticipat the appoyntit tyme of the Assemblie, and desyrit the Brethrine to conveyn at this present tyme, especiallie for the caus foirsaid, thairfor his Majestie desyrit that the Bretherine wald enter in a speciall consultatione of the haill poynts of the samin act, in everie particular poynt thairof: And, first, to reassoun, in publict audience of the haill Assemblie, Quhither if it wer lawfull and expedient that the Ministerie, as representing undoubtitlie the Kirk within this realme, sould haiff voit in Parliament or not?

“The said questione being at very gryt lenth reassonit and debated in *utramque partem*, in presens of the haill Bretherine, and thaireftir voided, the Generall Assemblie, by pluralitie of voitis, findis

and concludis that that is most necessare and expedient for the weill of the Kirk, that the Ministerie, as the thrid Estait of this realme, in name of the Kirke haif voit in Parliament. In verie [truth] thair wes not halff ane scoir of voitis in the one syd moir nor on the uther, and thais wer of lyk persounes that had no commissioun.

“For the argument of the distinctioun betwixt the Kirk and the Commoun-weill of the kingdome of Jesus Christ, and thais of this world being so cleirit and insistit upon, as it wes caryit all that wes not preoccupyit nor corrupted in judgment efter it. Also they clearly schaw that it wes ane foundatioun to build up the humane Bischoprick upon quhilk in the Kirk of Scotland, as plaine Poprie was utterlie abollischit.

“Concerning the number of them that sould haiff voite in Parliament, in name of the Kirk, it wes lykewayis concludit and thought upon, that it wes very expedient that as many of thame sould be chosine to voitt in Parliament as wes wont of old, in tyme of the Papisticall Kirke, to be Bischops, Abbotis, and Prioris, that had the lyk libertie to voit to the number of fiftie-one or thairby. *Item*, eftir reassouning, it wes voited and concludit that the electioun of sic of the Ministerie as schould voit in the Parliament aught to be of a mixit qualitie, and appertein pairtlie to his Majestie and pairtlie to the Kirk. And becaus be schortnes of tyme of the Bretherine could not perfytelie be resolvit in the remanent heidis and circumstances concerning the office of thame that schould haiff voit in Parliament, viz., *de modo eligendi*; of his rent; of continuance of his office; whither he sould be chosine *ad pœnam* or not; of his name; of the Cautiounes; of the preservatioun of him frae corruptioun and sic uther circumstances: And thairfor the Assemblie ordained everie Presbyterie to be ryplie and thruchtly advysit with the particular headis above written, and thairfor to convocat their Provinciall Synodis thorow the haill realme upon ane day, quhilk salbe the first Tuysday of June nixtcome; and thair, eftir new reassouning and advyement with the saids particular heidis above writtin, that every Provinciall Assembly chuse out thrie of the

wyiseste of thair number, quho salbe ready on his Majestie's advysement, quhilk salbe on ane monethes warneing at the leist, to conveyn with his Majestie, togider with the Doctoris of Divinitie and of the Universitie, sic day and place as his Majestie sould think expedient; with power to thame to treat, reassoune, and conferr upon the saidis headis and utheris pertaineing thairto; and in caice of agriement and uniformitie of opiniounes, to voit and conclud in the haille questioune concerneing voit in Parliament, utherwayis, in cais of discrepance and variance, to refer the conclusioun thairof to the nixt Generall Assemblie."

Howbeit I lyk not to name any in particulare, yit the truth and substance of the storie requyreing sua, I must heir mentioun tuo: First, that Mr Andrew Melvill, howbeit directit in Commissioun from his Presbiterie to this Assemblie, yit quhen he come he wes not suffirit to byd in the Assemblie; bot, by auctoritie, wes first commandit to keip his ludgein, and syne chairgit to goe hame to his Colledge. Nixt, Mr John Davidsoune<sup>1</sup> did give in ane Protestatioun in wryt againes the samine Assemblie and proceedingis thairof, as no lawfull and frie Assemblie, according to the Word of God, and establischt ordour within the Kirk of Scotland, and such whois proceedingis tendit to the subversioun of the ordinance of Jesus Christ: But at the ryseing of that Sessioun, he wes fain to withdraw him selff, and wes thaireftir confyned and wardit within his parochine.

The next Generall Assemblie wes apoyntit to be haldine at Aberdeine the first day of July 1599, bot be the King's proclamatioun wes tossed too and fra tyme to tyme, and place to place, as befoir, from Stirling, quhair the first Assemblie at Dundie apoyntit it to be halden at Dundie againe, preventing<sup>2</sup> the day; so from Aberdien now to Montrose, postponeing the tyme; and this mainely becaus matteris wer not weill dressit; but cheiffie to the intent that the King mycht tak from the Kirk liberty of conveyneing, (quhilk had

<sup>1</sup> Adv. MSS. "Adamsone."

<sup>2</sup> Anticipating. Lat. *prævenire*.

injoyed it evir since the beginning, tuyse a yeir to conveine, and oftner *pro re nata*,) and mak it absolutlie in his pleasoure and power, and not else; that as by the actis and dealing of the Assemblie ratified at Perth at the first, and this last at Dundie, the frie preiching of the Word was restrained, and summar excommunicatioun suspendit; and so, the Kirk strypit nakit of hir chieffe armour; and sua, now, scho mycht altogider be taine and led captive, by caussing either Generall Assemblie not to be holden at all, or then such only as wes dressit to prosecut the purpose in hand in overthrowing the Establischt Estait of the Kirk, by such Conventions as sould beir the name of a Generall Assemblie, and so by hir selff to kill<sup>1</sup> and undoe hir selff!

#### M.D.XCIX.

The Provinciall Assemblies convenit the first day of Junij, being Tuysday, at every ane quhair of wer present Commissioners directit from his Majestie, with expres charge to travell by all meines, that sic thrie as the King sould lyke sould be nominat to convey with his Majestie, according to the Commissione given at the last Generall Assemblie, the quhilk being aines obtieinit, they cairit nothing for the resolvit judgementis of Assemblies, for they percevit that in the Kingis absence everie ane of the Bretherine cleirit their mynde friely against the course. Thaireftir, diverse meittingis, at diverse meittingis and places, wer keipit with his Majestie by these that wer nominat to the Synodis and Commissioners; as namely, at Falkland, in August immediatlie thaireftir; at Saint Androis in Junij; at the Halirudhous in October; and of diverse Bretherine, the speciall of boith sydis, convenit with his Majestie's Commissioner att Bruntlyland; quhairin, not finding the successe as they wald, the Assemblie wes prorogat to be keiped at Montrose, in Merche 1600.

Adv. MSS. "Unkirk."

## M.DC.

The Generall Assembly conveneing at Montrose, the King left all utheris effaires, and attended hailie thairupon, so that there was neither Sessioun nor Privie Conference without his presence. It wes thought guid, first, that thair sould be four choisine out of either syid, to advyse, reassoune, and compose matters in privatt; but the King, being informit by ane of that number that it wes to losse rather nor gaine thairby, callit, urgit, and reassounit to be before himself and the Privie Conference. So the Questionns reassounit at gryt lenth, Quhither the voit in Parliament, as it wes offrit to the Kirk in the statut last maid thairannent, sould be acceptit or not? The Bretherine quho stood for the estaiblschit Discipline brought forth many Reassounes, concluding directly that it wes againes the Word of God, and thairfor could not be acceptit off. The Reassounes and Answers given at that time followes.

When matteris succedit not as they lookit, in that plaine deilling, they went on to work under cover, peice and peice, as they mycht; and first, to conclud and ratifie in the present Assembly the thinges agreit upoun by the Commissiouneris of the Provinciall Synods; and, thaireftir, to assay ane maine poynt of it, giff it mycht be gottin through in the present Assemblie, quhilk wes the continowance of the Commissioun to voit in Parliament, in the persounes of sume ones, nominat *ad vitam aut culpam*; the quhilk if they mycht once gaine, thair purpose wes near a poynt; bot the matter was sone taine up, and ressouned and discoursit upone by mony guid bretherine, that the voyce of the Assembly wente and concludit that they sould be chosine *annuatim*. Quhilk conclusion the King and the Clerk adding thairto, drew also neir thair purpose as they could; so all this proceeding past furth, as followis:

[CONCLUSIONS OF THE GENERAL ASSEMBLY AT MONTROSE, AS TO  
MINISTERS VOTING IN PARLIAMENT.]

*Sessio 6.*

“ The Commissionaris of the last Generall Assembly, conveyit at Falkland, in the moneth of July 1598, to decyde the questioun anent the Voitis in Parliament, &c., being ryplie and throwely advysit with the heidis following, gaive thair advyce and conclusioun as followis; the samin, in effect, quhilk wes sett doune and read in the Assembly at Dundie, and remitted to farder advysment, concerning the maner of choysing of him that should haiff voit in Parliament, in name of the Kirk: It is condescendit upon, that first, he salbe recommendit from the Kirk to his Majestie; and that the Kirk sall nominat sex for every place that hes neid to be filled up, off quhom his Majestie sall chuse ane of quhom he best lykis; and his Majestie promises, oblisses, and bindis him selff to choyse none uther but ane of that number; and in cais his Majestie refusess the haill, upon ane just caus of insufficiencie of thame, and gryter sufficiencie in uthers that are not recommendit, the Kirk sall mak ane new recommendatioun of men according to the first number, of the quhilk ane by his Majestie salbe choisine without any farder refusall or new nominatioun; and he that salbe chosine be his Majestie salbe admitted by the Synodis.

“ *Secundlie*, It is concludit that the Generall Assemblie sall haiff the nominatioun or recommendatioun of him that in name of the Kirk sall haiff voit in Parliament, quho sall tak the advyce of the Synods and Presbyteries thairanent, direct from thame in wryt; and the Synod sall haiff leiff to nominat also weill within the Province as without, provyding that iff thair be ane man within the Province meit for that place, *cæteris paribus*, he be preferrit to ane uther.

“ *Thridly*, Anent his rent, It is advysit, with anc consent, that the Kirk being planted sufficientlie, the Colledges and Schoolis al-

redy erectit not prejudgit, that the King sall provyde him to all the rest that may be obtainit of that benefice quhairto he is preferrit.

“ As to the Cautiounes to keip him from corruption that sall haiff voit in Parliament, they be these following :

#### THE CAUTIONES.

“ 1. That he presume not at any tyme to propone to Parliament, Counsell, or Conventioun, any thing in name of the Kirke, without expresse warrand and directioun of the Kirke ; and sic thingis as he sall ansuer to be for the weill of the Kirke, undir paine of depositioun from his office : Neither sall he keip sylence, in any of the saidis Conventiounes, in ony thing that may be prejudiciall to the weill and libertie of the Kirk, under the said paine.

“ 2. He sall be bund at everie Generall Assemblie to give a compt anent the dischairge of his Commissioun since the Assemblie going befoire, and shall submitt himselff to the censure, and stand at thair determinatioun without appellatioun ; and sall seike and obtain ratificatioun of his doinges at the said Assemblie, undir the paine of infamie and excommunicatioun.

“ 3. He sall content himself with that pairt of the benefice quhillk salbe givin him from his Majestie for his liveing, not hurting nor prejudging the rest of the Ministeres of the Kirk, within his benefice, plantit or unplantit as yet, or to be planted, or any uther Minister of the contray quhatsumevir ; and this caus to be insert in his provisioun.

“ 4. He sall dilapidat in no wayis his benefice, neither mak, sett, nor disponne thairoff, without the speciall consent and advyce of his Majestie and Generall Assemblie ; and for the gryter warrand, he sall interdict him selff not to dilapidat his benefice, nor consent to the dilapidatioun thairoff maid be utheris to the Generall Assemblie ; and sall be content that inhibitiounes be raisit on him to that effect.



“ 5. He salbe faithfully bund to attend upon his awine particular Congregatione, quhair he salbe Minister, in all poyntis of a Pastour; and heiranent sall subject himselff to the tryell and censure of his awne Presbyterie and Provinciall Assembly, as ony uther Minister that beiris not Commissioun.

“ 6. In the administratioun of Discipline, Collatioun of Benefices, Visitatione, and all uther poyntis of Ecclesiasticall Government, he sall neither usurpe nor acclaime to himselff ony power nor jurisdictione farther nor ony uther of the rest of his Bretherine, except he be imployit by his Brether, undir the paine of deprivatione; and incais he usurpe any pairt of the Ecclesiasticall Government, and the Synod, Presbyterie, and Generall Assembly oppone and make any impediment thairto, quhatsumevir he dois eftir that impediment to be null, *in ipso facto*, without any declarator.

“ 7. In Presbyteries, Provinciall and Generall Assemblies, he sall behaive himselff in all thingis, and sall be subject to thair censuring as any of the Breithrin of the Presbyterie.

“ 8. At his Admissioun to his office of Commissionarie, thir and all uther poyntis necessare he sall sweir and subscrivye to fulfill, undir the penalties forsaidis; and utherwayis not to be admittit.

“ 9. And in cais he be deposit by the Generall Assemblie, Synod, or Presbyterie, from his office of his Ministerie, he sall also tyne<sup>1</sup> his voit in Parliament *ipso facto*, and his benefice sall vaike.<sup>2</sup>

“ 10. And farder Cautiounes to be maid, as the Kirk pleisis and findis occasioun.

“ 11. Anent his Name that for the Kirk sould haiff voit in Parliament, It is advysit, by uniforme consent of the haill Bretherine, that he salbe callit ‘ The Commissioner’ of sic a place; and in cais the Parliament, by his Majestie’s moyen,<sup>3</sup> may be induceit to acknowledge that name, it sall stand so; iff not, the Generall Assembly sall voit and conclud this questioun annent his name.

“ 12. The questioun being demandit, Quhither the Commissioun of him that for the Kirk sould voit in Parliament sould in-

<sup>1</sup> Lose.

<sup>2</sup> Become void or vacant.

<sup>3</sup> Means, influence.

dure his lyff-tyme, except sum cryme or offence intervein, or for a schorter tyme, at the plesoure of the Kirk? The Commissiouneris of the Generall Assemblie, being of diverse opiniounes, thought guid to refer this questioune to the nixt Generall Assemblie."

Quhilk haild Conclusiounes being red, in the audience off the Generall Assembly, and they being ryplie advysit thairwith, ratified, allowed, and approved the samyne, and thought expedient that the samen Cautiounes, togider with such utheris as salbe concludit on by the Assemblie, be insert in the bodie of the act of Parliament that is to be maid for confirmatioune of voit in Parliament to the Kirk, as maist necessar and substantiall pointis of the same.

*Sessio 8.*

"Forasmuch as the Commissioneris of the Synod convenit at Falkland, the 25 of July 1598, being of diverse opiniounes concerning the continowance of the Commissioneris that sould haiff voit in Parliament, quhither he sould indure for his lyfytyme, except sum cryme or offence intervein, or for a schorter tyme, at the plesoure of the Kirk, they thought guid to refer the same to this present Assemblie: Thairfor, the Generall Assemblie, haiffing reassounit at lenth the said questioun tuiching the continowance of him that sall haiff voit in Parliament; efter voiting of the same, findis and declairis that he sall *annuatim* give a compt of the Commissioun obteinit from the Assemblie, and lay doune the same at thair feit, to be continowed or altered thairfra by his Majestie and the Assemblie, and that as the Assemblie, with consent of his Majestie, sall think most expedient for the weill of the Kirk.

"It is also statute and ordained, that none of thame that sall haiff voit in Parliament sall come as Commissioneris to any Generall Assemblie, nor haiff voit in the same, in any tyme cuming, except he be autorizit with Commissioun from his awin Presbyterie to that effect.

"It is moirover fund be the Assemblie, that *crimen ambitus* salbe sufficient caus of depriviatioune of him that sall haiff voit in Parliament.

"In end, it is statute and ordained, that everie Minister intimat this generall, that the voit in Parliament is concludit by the Assemblie, and that naine utter speiche in pulpit contrair to the same."

Thair wer very money guid Breitherine at this Assemblie, and did stand verie honnestly to the caus; but auctoritie, dissimulation, crafte, and painfullness, cairied the matter away.

As for example, of Auctoritie; that Moderator quho had utterit excellent guid doctrine befor-noone wes compellit, at leist inducit, by auctoritie to recant it efter-[noone,<sup>1</sup>] to the gryt greiff and offence of the best. Mr Andro Melvill come to the Assembly, by Commissioun of his Presbytrie, but wes commandit to keip his ludgeing; quho, being callit to the King in private, and demandit, Quhy he wes so trublesome as to come to the Assemblie, being dischairgit? He answerit, He had a calling in the Kirk of God, and of Jesus Chryst, the King of kings, quhilk he behovit to dischairge at all occasiounes, being orderlie callit thairto, as he wes at this tyme; and that for feir of a grytter punischment then could any earthly king inflict. Quhairat the King being angrie, utterit sume minassing words. The said Mr Andro, laying his hand to his heid,<sup>2</sup> said, "Sir, it is this that ye would haiff! Ye sall haiff it: Tak it! Tak it! or<sup>3</sup> ye bereave<sup>4</sup> us of the liberties of Jesus Christ and his kingdome!" With many mo speiches, verie zealouslie, to that effect.

Dissimulation; in sa meikle that as making on the Bischoprie with all mycht and maine, yet they did give it out amangis the Breitherine thair wes no sick thing meinit, saiff onlie vot in the Parliament, to vindicat the Kirk from contempt and povertie; and sua soundit all the answeris to the argumentis of the manifold and maist stronge reasounes of the Breitherine that stood for the Establischt Discipline.

Craft; whereof take the instance of the choyseing of the Mode-

<sup>1</sup> Advocates' MSS.

<sup>2</sup> "On his neck." Adv. MSS.

<sup>3</sup> Rather than.

<sup>4</sup> "Robe," (rob.) Adv. MSS.

rator, quhilk wes the thing they evir laborit for to haiff their voices, and to have ane at their devotioun: For the quhilk purpose, all this Assemblie, they used this stratageme; first, they compted the voites they had made and were sure off; and, feiring they sould be overcume by a gryter numbir, they causit put upon the leitis for chuseing of the Moderator four of the cheiffest Breitherine, amongis all with him quhom they designit, assuring tham selves that thairby that the voitis wald be distracted, quhille, as sume sould think ane meit, and sume ane uther; and in the mein tyme, they keptit close constant thair course, and voided all to ane; and so it come to passe, indeide; quhairas, all the contrair voites sould [have] been given to ane of thais guid Breitherine, they had farr prevailed.

And as for Painfullness; in the time [of this Assembly] the King arose earlie at morne till he went late to bed, he was continually with Ministers, and so bussie with them, that the cortiouris compleaned heavilie that they could gett no accesse. Bot, to be short, the Generall Commissioun, that reullit all, being renewit, and the nixt Assemblie apoyntit at Saint Androis in the last Tuysday of July in the year 1601, the Assemblie wes dismissed.

The summer eftir following, the Ministeres of Edinbruche, being repossessit in thair places, beganne freilie to preach in the auld maner; bot by the occasioun of the matter of Gowrie, that fell furth in the moneth of August thaireftir, thair pulpit was overthrawn in the second tyme; for, becaus they could not goe on immediatlie upon the first occasione and informatioun to informe the people, and conveyn the people, and give publick thankis from pulpit, they wer commandit to goe out of Edinbruche, and not to preiche nor approach within eight myles neir to that towne; and how Mr Robert Bruce, for his uprychtnes and heriate [hatred?] of the Episcopall course, wes usit, it would requyre a larger treatie nor we can in this compend of storie bestow thairupon.

#### M.DC.I.

The yeir following, the Generall Assemblie apoyntit at Saint

Androis, wes, first by proclamatioun e anticipate in tyme, reserving the place and tyme, and syne proclaimed to be haldine againe at Bruntland.<sup>1</sup> What with feir and satisfioun of discontentmentis, a maist fair and plausibill forme wes used ; first, forsuith, to searche for the causes of so gryt defectioun from the puritie, zeal, and practise of the trew Religione in all estaitis of the contrie ; and nixt, how the samyne mycht be maist effectually releivit, so that maist excellent, comfortable, and maist necessar exercisses of humiliatioun, fasting, and renewing the Covenant with God, wes concludit to begin at that Assembly, and thairfor upone ane weik to be solemnlie keipit throwout all the realme ; approving that now, quhilk both by the Court and by monie of the Ministeris wes not only neglected, bot scornit befor. The King, in presens of the haill Assemblie, maid a lairg and humbill confessioun of his awin sines, and great unthankfullnes, committed alsweill in the commoun government, namlie, in spairing of Papistis, and giveing remission for murther as done before in his familie and persoun, with promisses and calling for grace to amend ; and so all followit. Bot howbeit the heartis of many were humblite and sett to seik God and the honor of Jesus Christ, the right way, yit litle sinceritie or guid meining kythed in the reulleris and cheiff directeris of that actioun ; for, neither wes the cheiff caus of diffectioun laid oppine, nor any thing meinit of the rycht way to remeid the samyne. The four Ministeres of Edinbruche were transportit from their places at Edinbruche, and ordained to be placit in other places, and in the Generall Commission renewit a speciall caus be put in for that effect. Uther things also wald haiff bein assayit war not, after they were aschamed, the catalogue of the Breitherine then conveyit, they could not be sure to carie it away by a pluralitie, namlie, eftir so publict and earnest humiliatioun ; and so, eftir ratificatioun againe of the actes of the former Assemblies, and for dischairging

<sup>1</sup> The General Assembly was to have been held on the last Tuesday of July ; but owing to the King having fallen from his horse at the hunting near Falkland, (when he hurt his left shoulder,) it was appointed by him to be held at Burntisland on 12th May, 1601. See Cald. Hist., &c. <sup>2</sup> Advocates' MSS. "Plantit."

appellatiounes in excerceisses, and yonge men from pricheing in cheiff places, the nixt Assemblie wes appointit to be haldine at Saint Androis at the last Tuysday 1602; bot that day wes only for the fascioun's saike, for the King wes now accustomit to appoynt thame quhen, and quhair, and how he pleisit, by his proclamatiounes at mercat places.

About the end of Junij, Mr Andro Melvine, making his excerceisses in his ordinarie places upon the Ephesians, v. 2, he insistit onlie in schawing the duetie of Ministeres; and tuichtit sua the present corruptiounes to the quick, namely, of the degenerat and intrusit Ministerie of Saint Androis, that they compleined to the King, causit him to come to St Androis, in July thairafter, and commandit Mr Andro [Melvill] to ward within his awin Colledge of Theologie, quhairof he wes Principall Master; lyke as the samyne auctoritie, he had bein befor dischairgit aff the Presbyterie and all the Doctoris of Theologie with him for this cause; bot the wynter thairefter, the lairnit Ministeris of that Presbyterie, being all of them Mr Andro his scholleris, beganne ane excerciss in the Schooles of Divynitie, and continowit it ordinarie their tyme about<sup>1</sup> befor the haill Universitie; quhairin they disputed all contraveined<sup>2</sup> poynts accuratly, as it wer againes the Papistis, and cleirit the truth stronglie and evidentlie to all. This grevit thame mychtilie, bot becaus it wes done in the Latine tongue in the Schoolis, and in schaw againes the Papistis, according to ane ordinance of the Generall Assemblie, it could not be for a grypt space countermandit, till be these travellis the lawfull auctoritie of Presbyteries and Generall Assemblies wes confirmed, Popish supremacy and all Episcopall auctoritie ovirthrawin, the course of the present corruptiounes damned, and all the Ministerie of that Presbyterie verie much edified and incuradgit. Sa, in the moneth of October, the Provinciaall Synod of Fyffe wes keipit at Kinghorne, quhair all the corrupt proceedingis wes sett doune in Grevis, and the Commissionaris appoyntit to mein<sup>3</sup> the same to nixt Generall Assemblie,

<sup>1</sup> Alternately.<sup>2</sup> Controverted.<sup>3</sup> Make complaint of.

quhilk by proclamatiounes was translaitit from Sainet Androis, quhair it was ordaneit to be keipit in July by the last Assemblie, and comandit to be haldine at Edinburch in November following.

This was sair againes the heartis and laboris of sume Episcopall Commissioneris thair present, but the universall myndis of the guid Ministerie of that Province prevailit. They follow heirafter, as they are registrat in the Buikis of the Generall Assemblie.

### M.DC.II.

Now, the last Generall Assemblie that the King keipit in Scotland was at his Palace of Halirudhous, in the moneth of November 1602; quhairin, becaus all thingis were deliberated and painfullie and diligentlie dressit, he thought weill to obtain his purpose. The quhilk ane of the Bretherine weill percaiving, quhen it came to his voite concerning the Moderator, he thus protested, with all reverence of the King's Majestie's presence, but in the feir of the gryte God and in love of Christ, his annoyntit, quho is above all:

"Befoir I speik ony thing in this Assemblie, I man protest that, sieing it is conveyned extraordinary by his Majestie's autoritie, beaydis<sup>1</sup> the tyme appoyntit in the last Assemblie, and is keipit heir within his Majestie's Palace, a place quhairin no Assemblie was accustomit to be keipit heirtofoir; quhatsoever be done thairin contrair to the Word of God and former constitutiones of the Kirk, and the establischt Disciplin thairoff, (as God forbid thair should be any!) the same be null and of nane effect; and remeidit at the nixt Generall Assemblie ordinar, frie and lawfull, of the Kirk of Scotland."<sup>2</sup>

The hail drift of the Assemblie being to sett up the Bischoppis in the second Sessioun, the same was convoyit, first, be the tryell of the Commissioneris appoyntit by the last Assemblie; in place quhairoff, thair wes thrie Bischopis put in possessioun of thair

<sup>1</sup> Apart from, independent of.      <sup>2</sup> From the manner in which this brief outline of the speech is given, it is most probable to have been delivered by Mr James Melvill, who, with his accustomed modesty, thus generally alluded to himself in his Diary.

Bischoprickis, undir cure<sup>1</sup> of thair Commissioun givin thame to Visit thais Provinces, to witt, Rosse, Caitnes, and Aberdeine, all contrair to the Cautiounes; and to be continowit by the renewing the foirsaid Commissioun for Visitatioune of thais Provinces; and thairfoir to convoy the matter the bettir, a new exact ordour wes sett down by the Assemblie: The quhilk convoy being discoverit befor the Assemblie, it wes stoutly and honnestlie gainstood, namely, in the persone of Mr George Gladstaines for Caitnes; quhom, notwithstanding the grytter number of the Assemblie refusit to appoynt a new Commissioun for Caithnes, yit auctoritie and cunning convoy carreit it away in the end.

The poynt being wounne, and a new Generall Commissioun sett doune againe, and the said thrie Bischoppis continowit in their Commissiounes and Bischoprickis in the fourt Sessioune, the matter gois on; and undir pretence to plant and provyd the Kirk, the Prelacies and gryt Benifices ar thought meit to be givin and disposit to Ministeris, as followis:

“Annent the Constant Platt, the Breitherine ordainit to sitt thairone with his Majestie's Commissioneres being demandit, Quhat effect thair travelis had takin in the samyn? They producit the conclusioun of the Commissioneres of the said Platt, resolving thrie heidis, out of the quhilk one sould be chosine as the maist readiest way for the effectuating of the said work; quhair of the tennor followes:

**OVERTOURIS OF THE COMMISSIONERIS OF THE PLATT TO BE  
ADVYSIT WITH HIS MAJESTIE, &c.**

“Giff everie Minister being assignet out of the fruitis of the Kirk quhair he serves, by the benevolence of the takismen<sup>2</sup> grantit

<sup>1</sup> Cover.

<sup>2</sup> Tacksmen, lease-holders, or tenants of the teinds or tithes.



to the augmentatioune of the said stipend, iff thair salbe ane perpetuall securitie maid to the said takismen of thair teyndis of ane speciall gressowme to be condescendit upon for ilk chalder, for the space of 19 yeiris, and to be renewit yeirly thairefter for the lyk space and the lyk gressowme; upon this conditioune, that the said principall taxmen sall grant and renew the lyk securitie to the sub-taxmen for payment of thair pairt of the said gressowme *pro rato*, where ony tax<sup>1</sup> are: Or giff the gryt benefices salbe provydit to Ministeres upon this conditioune, that all the Kirkis of the Prelacies be planted with sufficient Ministeres, and be provydit with competent livingis, as the modifiaris of the said Constant Plaite sall think expedient, and he to pay to the Kingis Majestie yeirly the tent pairt of the fruitis of the said benefice quhilk sall rest, by and attour<sup>2</sup> the sustentatioune<sup>3</sup> of the said Ministeres; and that all the inferiour benefices salbe provydit with Ministeres serving the cuir of the saidis Kirkis, alseweill personage as viccaradge: Or giff all the gryt benefices salbe dissolvit, and the Prelat to haiff the principall Kirke of the Prelacie with the temporall landis thairof, and the rest of the Kirkis to be provydit with qualified Ministeres, and the said Prelat and Titularis of the said Kirkes to pey ane yeirlic duetie to his Majestie as the benefice may beire, at the sight of the Commissioneres forsaidis."

The quhilk Overtouris being red in the sight of the Assemblie, It wes ordained every Synod sould haiff a coppie of the same, and to be advysit thairwith untill the morning, that they mych give thair advyse to his Majestie quhilk of the thrie wer maist meit to be imbraced.

This purpose wes also plainly espeyitt and withstood, by giveing in ane coppie to the Kingis Majestie of the former Plott of Planteing of all the Kirkis of the realme, settin downe by Commissiounne from his Majestie and the estaites of Parliament 1597, by dissolving of Prelacies, and Planting of fyftie Presbyteries in thair places, the Commissioneris quhairroff sould haiff voit in parliament; bot by

<sup>1</sup> Tacks, leases.<sup>2</sup> Over and above.<sup>3</sup> Support.

auctoritie and dressing of voitie of the evill advysed multitud it wes rejected, and the conclusioun past as followis :

“ Anent the Overtouris givin in by the Commissionaris of the Constant Platt, with the quhilk the Bretherine were ordained to be advysit, efter mature deliberatioune and voiting, The Assemblie thinkes the second Overtour maist expedient to be accepted, bearing the provisioun of Ministeres to all Prelacies, with the conditiounes thairin conteinit as is above expressit. *Item*, the Assemblie thought expedient to adjoyne and nominat utheris out of the number of the Britherine to be adjoynd to thais quhilk wer nominat by the Commissioneres of the Provinces conveyit at Halyrudehouse, the fyftein of October ; out of the quhilk number his Majestie sould mak his chuisse of sic as he sould present to the benefice vacand. The names of thame all are as followes : Mrs Robert Pont, James Melvill, James Nicolsoune, Patrick Galloway, Johnne Forbes, Jhone Knox, Robert Wilkie, Jhone Howisoune, George Monro, Johnne Clappertoune, Robert Bruce, Johnne Carmichaell, William Malcolmne, Robert Howie, Alexander Scrymgeour, Alexander Lyndsay, James Robertsoune, Patrick Lindsay, Andro Knox, Johnne Spottiswood, Gavine Hamiltoun, Andro Lambe, Alexander Forbes, Alexander Douglas, and George Grahame.”

Off the quhilk, sume plainely refused, and sume wer absent, and yit thair names wer put in as nominat by the Assemblie.

It wes long and verie much urgit, or<sup>1</sup> the Greivances of the Synod of Fyffe could be gottin hard<sup>2</sup> and answerit ; but, sieing the grytest number of the Assemblie pressit the same, thair wes half ane dusane namit out of the Assemblie to confer with so many of the said Synod thairanent, and to report thair agriement to the full Assemblie.

#### FOLLOWS THE GREIVANCES OF THE SYNOD OF FYFF.

“ 1. It wald be meined<sup>3</sup> to the Generall Assembly nixt, that the Generall Assemblies of the Kirk are nocht ordinarilie keipit, nocht-

<sup>1</sup> Before, ere.

<sup>2</sup> Heard.

<sup>3</sup> Complained of.

withstanding the actis of Parliament and Generall Assemblie, and the necessitie of the tyme; but that the dyatis thair of ar altered without the knowlege of the Presbyteries and Synodis.

" 2. That Ministeres are callit befor his Majestie's Secrett Coun-cill, in *prima instantia*, for Discipline or Doctrine, quhilk is a grypt incouradgment to the enimes.

" 3. That all applicatiounes of Doctrine in Presbyteries and Ex-cercises ar found falt with, undir pretence of an act of ane Generall Assemblie; quhilk act, thairfor, wald be sighted and cleirlye inter-pretit.

" 4. That the Governement of the cheiff matteres of the Kirk continowis in the handis of a few, undir the name of a Commis-sioun, to the grypt prejudice of the liberties of Synods and Pres-byteries.

" 5. That the ordinarie Doctoris beiring<sup>1</sup> ordinaire calling in the Kirk, by the discipline and constitutioun thair off, [and are now abrogat, and now<sup>2</sup>] ar debarrit from Presbyteries and Assemblies.

" 6. That the Assemblie hes takin no tryell hithertill<sup>3</sup> annent the Cautiounes sett doune for avoyding of corruptioun in the Commis-sioneris, and voiteris in Parliament.

" 7. That the absence of the Pastouris in Edinbruche, and al-teratioun of the Ministerie thair off, quhilk wes the cheiff Watch-tower of the Kirk, hurtis greitlye the caus of true Religioun, and incowradges the enemies.

" 8. That thair is distractiounes in opiniounes far different from the consent and unities of heartis quhilk hes bein in the Kirk befor, in all weightie causes, and ovir letill deliberatioun and reassoun-ing had in matteres; quhairby conclusiounes are past, almaist the half of the Bretherine gaising;<sup>4</sup> quhairas our Assemblies wes evir wont to consider before they concludit any thing.

" 9. That the land is defiled, and the Kirk is indomadgit by the French Embassadour his mass.

<sup>1</sup> Univ. MS. reads, "diverse learned men having."    <sup>2</sup> Adv. MSS.    <sup>3</sup> Hereto-fore, hitherto.

<sup>4</sup> Both of the Adv. MSS. read "gainstanding."

" 10. That excommunicat persounes for Papistrie are suffred to haunt the countrey publictly and piceably.

" 11. That the Nobillmen laitly relaxit from excommunicatione for Papistrie gives no toakines of thair professioun of the truth, bot rather the contrarie.

" 12. That apprehendit Papistis' directiones and Letteris are kept close, and the dangers imminent thairby to the Kirk are not communicated to the Watchmen,<sup>1</sup> quhairby they may make faithfull<sup>2</sup> wairneing, and prevent the perrell.

" 13. That the Discipline of the Kirk againes murther, incest, and adulterie, is not practised with that holy severitie that becomes, notwithstanding of the frequent remissiones obtainit by criminall persounes, for eschewing of civill punischment.

" 14. That the remeidis sett doune againes apprehendit dangeris at diverse tymes, and at diverse meittingis of the Kirk, ar not followit furth."<sup>3</sup>

*Sess. 8, November 13, 1602.<sup>4</sup>*

" The said day, the Breither they appointit to visite the Greivances and Petitiounes of the Synod of Fyfe, condescendit upon the Answers following :

[ANSWERS BY THE BRETHREN APPOINTED TO VISIT THE  
GRIEVANCES OF THE SYNOD OF FYFE.]

" *First*, Findis and decerns that the Generall Assemblies sould be appoyntit and keipit according to the act of Parliament haldin at Edinbruche the fifth day of June 1592, quhairoff the tennour followis, so far as concernes that poynt: ' And siclyk, ratiffies and

<sup>1</sup> The Ministers.    <sup>2</sup> Univ. MS. "thankfull."    <sup>3</sup> Immediately following this document, there follows in the Univ. MS., "The Sowme of the Conference keipit at Hallirudhous the 17 of Nov. 1595;" which the reader will find in the DIARY, pp. 446-462.  
<sup>4</sup> In Univ. MS., "13 December, Sess. 5."

approves the Generall Assemblies appoyntit by the samyne Kirk ; and declaires that it salbe lawfull to the said Kirk and Ministeres, every yeir at the leist, and oftner *pro re nata*, as occasione and necessitie sall serve and requyre, to haiff and keip Generall Assemblies ; providing that the King's Majestie or his Commissioneris to be appoyntit with thame be his Heines, being present att ilk Generall Assemblie, befor the dissolving thairoff, nominat and appoynt a tyme and place quhen and quhair the nixt Generall Assemblie sall be keipit ; and in caice that naither his Majestie nor his saids Commissioners be present for the tyme in that toune quhair the Generall Assemblie salbe halden, that then, and in that cais, it salbe leisum to the said Generall Assemblie, by thame selff, to nominat and appoynt tyme and place, quhen and quhair, the nixt Generall Assemblie of the Kirk salbe keipit and holdin, as they haiff bein in use thir tymes bygane.

“ 2. Giff his Majestie proceid againes Ministeres according to his Majestie's awin declaratioun, maid and inacted in the Generall Assemblie haldin at Dundie, 1597, sess. 2, the desyre of the second article is satisfiet, and no uther thing meinit thairby.

“ 3. Thinkis it expedient that the act maid annent applicatiounes in excerceis be interpret not to be extended to forbid the using of the Word of God, in applicatiounes to the generall endis thairoff, quhilk is lawfull to use efter this manner ; this heid of doctrine serves for refutatioun of sic ane errour, for the rebuke of such ane vice, for comforting of such ane people or persoun in such ane cais, &c. ; and as for particulare or personall applicatiounes, leaves it to be advysit quither it salbe in tyme comeing or noe, and how farre. And thinkis guid that this be reassonit in the Presbyteries and their Commissioneris sent with utheris reassounis to the nixt Generall Assemblie thairannent ; and, in the meintyme, no invocatiounes to be used againes personall applicatiounes.

“ 4. Let all Commissiounes be givin furth and usit according to the actis of the Generall Assemblie from this tyme furth.

“ 5. Findis that Doctouris hes had, and may haiff, voit in Generall Assemblies, thai haiffing ane generall lawfull commissioun for that

effect, according as it hes bein elis fund <sup>1</sup> and declared by the Generall Assemblie's Commissioun for that effect, haldin at Edinbruche, May 10, 1586, and at Glasgow 1581; quhair it is fund and declareit by the act of the Generall Assemblie, that Doctouris sould concurr with the Elderis thair, and thair Bretherein, in all Assemblies.

" 6. Lett the Cautiounes be lookit and preceisely keipit in tyme cumming, undir the paines conteinit in the actis maid thairannent."

#### ANSWERIT IN THE ASSEMBLIE.

" 7. Nothing to be done and concludit in Assemblie, except it be sufficiently reassounit and deliberat upoune.

" 8. Acquiesces in the deliberatioune of the Breitherine that hes spokin to his Majestie thairannent; and desyres Mr Walter Balcanquall to schew the samyn to the Assemblie, and how the Presbyterie of Edinbruche is satisfied in this poynt.

" 9. Let thair names be given up to his Majestie, that he may tak order with thame according to the lawis; and in special with Captain Halkersoun, Patrik Butter, Mr Alexander Leslie, Duncane Law, Thomas Browne, William Leslie, and Thomas Mortimer."

#### ENDIT IN THE ASSEMBLIE.

" 10. To acquiesce in his Majestie's declaratioune thairannent; and to requiest his Majestie that the Presbyteries heiraftir be acquentit in sic causses, quhen it salbe neidfull.

" 11. Quhair thair is negligence in this poynt, let it be mendit heireftir, according to the actis of the Assemblie.

" 12. Let farder diligence be usit quhair negligence hes bein."

Quhilks Answers the Assemblie allowis of, and approves thame; and ordaines the samyn to be insert in the Buikis of the Assem-

<sup>1</sup> Already found.

blies. And so ended this Assembly. The nixt Assemblie was ap-  
poyntit to hauld at Abirdein, the last Tuysday of July, *anno* 1604,  
the King voiting thairto him selff first, and the rest following;  
howbeit, he did schaw him selff mychtily offendit at the minting<sup>1</sup>  
to keipe the samyn, as the progress of this storie will schaw.<sup>2</sup>

### M.DC.III.

The yeir following, guid Quein Elizabeth restit in peace, and King  
James entirit King in England more peaceably nor him selff or any  
uthir could haiff expectit. So it pleisit God to magnifie his mercie  
and grace with his blissit Gospell of peace; the lycht quhairoff once  
entering in Britaine, eftir the grosse and most dark night of Poprie,  
beganne peace betwixt the unconciliabill<sup>3</sup> natiounes of Scottis and  
English: The continowing quhairof maid peace to grow, and at  
last perfyttit the samyn be ane blessit Unioune, iff it be, in the true  
faith of boith doctrine and discipline, knitt fast with the band of love  
in Chryst. The King maid gryt haist to goe to tak possessioun in  
England, and in oration maid publictlie for taking his leiff, in the  
Gryt Kirk of Edinbruche, he thankit God that he had sattled boith  
Kirk and kingdome of Scotland, and left it in that estate quhilk he  
meinit nocht to hurt or alter ony way, the subjectis thairof remaine-  
ing and injoying the samyn peaceably and quyetly; for the quhilk  
effect, he would once in every thrie yeir come and visit the samyn.  
Also, his Majestie send back word with diverse Ministeris that mett  
him by the way, that thai sould schaw all thair bretherein, in his  
name, that thais sould keip unitie and peace, without altering any  
thing concludit in thais Assemblies quhairin he wes present him  
selff in persoune, for his purpose was nocht to alter ony thing.

### M.DC.IV.

In the moneth of January thaireftir, the Conference was keipit  
at Hamptoun Court, of gryt expectatioune that all the great and  
grosse corruptiounes of the Kirk of England sould be reformed;

<sup>1</sup> Aiming, attempting.

<sup>2</sup> Adv. MSS. "testifie."

<sup>3</sup> Irreconcilable.

the effect quhairof wes publichit by two proclamationes, in the monethe of Merche following; one againes Jesuites and Seminaries, but very favourabill to the Pape, and Papistis in Religioune; the uthir very favourabill to the Bisschoppis, but griveous to the sincere Ministeres, and gryt disapoyntment, discouragement, and disgrace of all that craiffed and luikit for reformatioun.

The Provinciall Synods in Scotland conveying in Appryl, and heiring of ane Parliament proclaimed to be kept in Edinburcht, directit ovir thair Commissioneris to joyne and advyse with the Commissioneris of the Generall Assemblie annent the effaires of the Kirk; and, according to the custome, desyrit ane Generall Assemblie to be grantit and haldin befor or with the Parliament, namely, at sic a necessare tyme, when all wes on fute awaikit to look to thair matteris: Sa, we passit ovir to the Parliament haldin at Edinburg the 24th of that moneth, quhair Mr Patrik Galloway and Mr David Lindsay, callit Bischoppis<sup>1</sup> laity, wer come from the King; quho, in a full Conventioun of the Commissioneris boith of the Generall Assemblie [and of the last Provinciall, declared unto us that they had desyred a Generall Assemblie to be<sup>2</sup>] afoir<sup>3</sup> or at the Parliament; [quhilk the King said, needeth not, in respect there wes nocht to be intreated of in this Parliament,<sup>4</sup>] bot concerning the Unioun, quhairin the Kirk could have no interest in at this Parliament, and quhairby the ordour and discipline of our Kirk of Scotland sould nawayis be hurt. The Commissioneris of the Provinciall Assemblies reassounit in the contrair, that so could not be; becaus the realmes could not be united without the unioun of the Kirk; neither could the Kirkis be united in discipline, the ane being Episcopall and the uthir Presbyteriall, unles that the ane sould surrender and cede<sup>5</sup> to the uthir. It wes replyit, that nothing wes

<sup>1</sup> Advocates' MSS. "Bischope of Rosse."

<sup>2</sup> Omitted in University MS.

<sup>3</sup> Before.

<sup>4</sup> Omitted in University MS.—These omissions are noted here to exhibit a specimen of the extreme carelessness of nearly all the existing transcripts from old MSS, and the necessity of scrupulously collating them with as many copies as can conveniently be procured.—Ed.

<sup>5</sup> Adv. MSS. "Yield."



to be done in this Parliament but chuseing of Commissioneris to treat of the Unioune, and report. We answerit, that commounly, as thingis wer dressit and blokit by the Conference and treiting, they wer at last sua concludit and endit, and, thairfoir, the greittest danger wes in the want of skill, tentivnes, faithfullnes, and guid effectioun of Commissioneris, and quho did undertak commissioun in so weightie a matter for the Generall Kirk, without warrand and directione from the samyn, or quho could be callit Commissioneris for ony estait, and accept it as such, unles thai wer chosen by thame, and ressavit instructiounes and warrand from thame. Thai repleyit,<sup>1</sup> that the Parliament did chuse thame, and the Kirk had apoyntit certaine to vote thairin. We answerit, that sic wer athare<sup>2</sup> of old Prelates, or men namit<sup>3</sup> Bisschoppis. Giff<sup>4</sup> the auld Prelates, the most just exceptiounes of the Kirk, had bein at all tymes by-gaine againes thame, as neither beiring office in the Kirk nor having commissioun thairfra : Giff new[-named] Bisschoppis, thair wes ane express cautioun, disschairging thame to presume to propone any thing, in Parliament or in ony uthir Conventioun, in name of the Kirk, without ane expres warrand and direction of the samyn, undir the paine of deprivatione from thair office.

This reassouning pleissit not the Bisschoppis, (of new so nameit,) and such of the Commissioneris of the Generall Assemblie, in quhom the King confided ; and thairfoir wes lychtly brokin off, and the matter eludit and put off to further advyement. Wee, sieing thingis like to goe so that the Parliament wald chuse, eftir the commoune maner, Lordis of Articles, and thai the Commissioneris to treat of the Unioune, we wer of purpose to treat and protest in oppin Parliament ; but, being assurit of new that the King menit<sup>5</sup> not to alter any thing off our order and discipline, and had expressly promissit thame, provyding we had behaved our selves quyetly at this tyme ; also, perceaving that the treity annent the Unioune wes not lyk to frame in neither of the realmes, but lykly to be crossit

<sup>1</sup> Advocates' MSS. "Threiped," i. e. pertinaciously asserted.

<sup>2</sup> Either.

<sup>3</sup> Adv. MSS. "New-named."

<sup>4</sup> If.

<sup>5</sup> Meant.

be uther estaitis, to the Kingis discontentment, we left aff the purpose of publict protestatioune, and resolvit to keip us within the boundis of deilling with the Commissionaris of our awin Generall Assembly ; and sua putt our Advyse and Articles in wryt, and to present thame with a graiff and scharpe admonitioun, quhilk nochtwithstanding was reverently ressavit, and our advyce promissit to be followit, and put faythfullie to practise by thame that had place. Followis now

THE ADVYCE OF THE COMMISSIONERIS FROM THE PROVINCIAL  
SYNODIS, GIVIN UP TO THE COMMISSIONERIS OF THE GENERALL  
ASSEMBLY CONVEINIT AT EDINBURGHE, BEFOR THE PARLIA-  
MENT, THE 24 OF APRYLE 1604.

“Forsuameikle as, by your Missives directit to our Presbyteries, (Right Reverent and worschipfull Breithrin,) we wer warnit to give in our advyce to yow befor this proclaimed Parliament, anent materis to be propouned be the same for the weill of the Kirk, for dischairgeing of that dewtie, we haiff sett down and sent to yow in wrytt by our Commissionaris, with all heartly salutatioune in the Lord Jesus, the Articles of our Advyce following :

“And, First, we thank God of this purpose of Unioune of thais realmes togidder, as maist loveabill and guid, in respect that already by the professioun of the Gospell, thai haiff bein united in God thais many yeiris bypast ; and now, by a speciall blissing of that samyn Gospell of peice and unioune in Jesus Christ, they ar come undir ane King in vertues and graces incomparabill ; and, thairfor, we earnestlie wische the same, be all guid meinis and indeavouris of all estaitis to be present, namely, by the ecclesiasticall, evin till it be effectuat for the estabilishing and maintinence of the kingdome of Jesus Christ, quhilk is the kingdome of true peace and unioune, wirking true saftie and firme weillfare to all kingdomes reigneing and standing with Christ and in him. Secondlie, Becaus the occasioun and treating annent the Unioune so happily be God’s gryt and guid Providence falline furth, is since the last Generall

Assemblie, and in name of the said Assemblie of the Kirk of this realme, ye could thairfor haiff no warrand, directione, or informatione to deall in any particulare concerneing the same; yet we think that thai may and sould doe this in generall, in the name of the said Assembly: That is to say,

“First, To craive the actis maid in favours of the Kirk, in Parliaments preceeding, to be ratified and to be confirmit off new in this present.

“Nixt, Solemnelie we protest that nothing be done by way of Commissioun or utherways, at this tyme, quhairby any innovatione, alteratione, hurt or prejudice ensew againes the present rycht professione of the Doctrine, Discipline, and Governement of the Kirk and kingdome of Jesus Chryst within this realme, establischt be the Word of God, confirmeit by the law of the contrey, breiffely comprehendit and publischt in the Kingis Majestie’s Confessioun of Faith, quhairunto all his Heines’ subjectis wer movit, with thair King and Sovereigne Lordis solemnelie to sweir and subscrivye, and the quhilk his Majestie, going to his prosperous promotioun, most gratusly vouchsafit, and granted it sould enjoy peiceabillly and unaltered heirefter. And incais thair be any thing done in the contraire, (as God forbid!) to protest it to be null, and of no force nor effect in it self, in respect that neithir the Generall Kirk wes warnit thairto,<sup>1</sup> nor had directit any Commissiouneris thairannent.

“Thridlie, That the old Petitiounes of the Generall Assembly be renewed, and so much the moir presently urgit, as the danger is gryt; to witt, that none vote in name of the Kirk, and as the estait thairof, in Parliament, quho beiris not office within the samyn, nor hes any Commissioun so to doe from the same; and iff thai be admittit to sit and voit thairin in that name, to protest that it be not esteimed the voit and judgment of the Kirk of Scotland.

“Fourtlie, Forsuameikle as in the Generall Assemblie haldine in presence of the Kingis Majestie’s presens, at Montrosse, in the

<sup>1</sup> Advocates’ MSS. “would yeild thairto.”

monethe of Marche *anno* 1600, it wes expresslie and be cautionne provydit, that thais of the Ministrie quho in name of the Kirk ar appoyntit to voit in Parliament sall not presume at ony tyme, in Parliament, Counsell, or Conventioun, to propoun any thing in name of the Kirk, without ane expresse directioun and warrand thairfra ; neithir yet sall keip silence in oppouning thameselves thairto, iff thai sall heir or persaiff ony thing uttirit to the hurt or prejudice thairof, under the paine of deprivatione : Thairfoir, we think that thai sould charge the same voitteris in Parliament, in name of Christ and his Kirk, so to doe, undir the paine of deprivatione, and further as Christ by his Kirk sall inflict ; and to recommend to thame the order and discipline of our Kirk to be weill considerit, studeit, and houldine in memory, that thai may menteine and stand faythfully to the samyn to thair uttirmost ; remembiring that accompt thai must give to the Generall Kirk of this realme, but namely to Jesus Christ, and that gryt and glorious Parliament off his last appeirance to judge the quick and the deid.

“ Fyftlie and last, We most earnestly beseik yow, in the bowellis of Christ Jesus, yea evin attesting and adjureing, befoir God and his elect angellis, as ye will mak answer to that great Judge to quhom ye man give ane accompt of your stewartschip, that ye, by these presentis, certifie and informe the Commissioneris to be chosine in the present Parliament to treat upoun this Unioun, for the pairt of the Kirk, and so by thame the King, our Sovereigne his most excellent Majestie on earth, that we belive in our heart and conscience, and have it instructit, cleirit, and assurit by the Word of God, wryttin in Holy Scripture, that the essentiall grundis of the Discipline and Governement of the Kirk and kingdome of Jesus Christ, estabilischit and usit within this realme of Scotland, ar not thingis indifferent and alterabill, but substantiall pairtis of the Gospell, haiffing as great and lyk warrand as ony poynt of our fayth and religioun ; quhilk to renunce or pass fra we will not, by his grace : We will esteime it as hard as to renunce the manifest truth of God, reveilit to us in the Scripture, and so hardly and worse then to suffer the death, quhilk expressly, by thir presentis, we

protest and confesses, chuseing rather so to doe now befor hand, for the eas and releife of our conscience, nor ovir lait<sup>1</sup> heirefter, quhen (as it may be yet, God forbid !) thair is constitutiones and lawis maid in the contraire."

The Parliament being prorogat to the moneth of July, and keipit at Perth, the Barrounes and Burgessis, with sume of the ancient Nobilitie, quhois numbir wes but small, in respect of the new-maid Lords and Erlis advancit to honour for that purpose, as namelie the guid auld Earle of Mortoune, most uprycht and zealous for the libertie and sincere standing of the doctrine and discipline of the Kirk, desyrit ane claus to be insert in the Commissioun for the Unioun, to preserve and keipe the present sincere and frie estait of the Religioun in discipline and doctrine within the Kirkis. They deall with the Commissiouneris of the Generall Assembly to assist thairin, as such to quhom it appertaineth cheifly ; bot thai were borne back by the new nameit Bisschoppes and agentis of the Court, haid lytle cair thairin, (a blott of treasoun againes the caus,) yit the foir-nameit Nobillmen, to quhome the prais heiroll amonges men speciallie belongis, insistit so in oppine Parliament, that howbeit the clause wes not insertit in the Commissioun ; yit, in the first act of that Parliament maid in favouris of the Kirk, it wes provydit that the estait present of the Kirk of Scotland, in religioun and sinceritie, boith of doctrine and discipline, sould no wayes be prejudgit or hurt by the present Commissioun, or grantit be the Unioun, &c., and that wes all we desyrit for the tyme.

The Generall Assembly wes appoyntit to be haldine att Aberdeine the last Twyisday of July. Amongis utheris Articles that the Lord Comptroller, Lord of Scoone, brought from Court, (for now our country begouth<sup>2</sup> to be reulit be directioun of Articles,) thair wes one annent the prorogating of the said Generall Assembly till the Unioun wes concludit, and the nixt advertiseement. The question, thairfoir, being movit in the Presbyterie of Saint Androis, Quhither Commissioners sould be directed to keipe that day or not ?

<sup>1</sup> Than too late.

<sup>2</sup> Began.

It wes concludit that thai sould, becaus the warrand of keipeing wes greitter nor of continowing and prorogatioun thairroff, to witt, the Word of God, custome of the Kirk since the first Reformatioun of Religioun, law of the realme, and ordinance of the last Generall Assembly, quhair his Majestie, with the Assembly, did appoynt the samyn; and namely, the priviledges, weill, and libertie of our Kirk, wes to be lookit to at this tyme, quhen all estaitis wer zealous of their rychtis and liberties. Quhairupoun that Presbyterie directit the Commissioneris to Aberdeine; quhais diligence wes reported by thame to the said Presbyterie, as followis :

‘ AT ABERDEIN, the last day of July 1604, within Saint Nicolas’ Paroch Kirk of the Burght off Aberdein, at four houris efter noone, or thairby, befor thir wittnesses, Mr Peter Blackburne, James Rosse, and Archibald Blackburne, Ministeres of Aberdeene, John Rought, Minister at Rige,<sup>1</sup> Mr Thomas Nicolsoun, Commissioner of Aberdein, and George Nicolsone, burges off the said Burgh :

“ The quhilk day, in presens of the wittnesses foirsaidis, and of the connotaris publict under-subscryvand, compeirit personally within the said Paroche Kirk, Mrs James Melvill, William Erskine, and Williame Murray, Ministeris of the Evangell of Jesus Chryst, and presented ane Commissioun givin to thame be the Breitherin of the Presbyterie of Saint Androis, &c., quhairby thai ar constitut Commissioneris for thame for keipeing of the Generall Assembly appoyntit at Aberdein in the moneth of July instant; as the said Commissioun, quhilk wes red in audience of us and of the saidis wittnesses, in the selff at mair lenth beires; quhair of the tennour followis : ‘ AT ST ANDROIS, the 26 day of July 1604; the quhilk day, after incalling<sup>2</sup> on God, the Presbyterie did appoynt and constitute thair Breither Ministeris, James Melvill, Williame Erskine, and William Morray, thair Commissioneris to the Generall Assembly appoyntit to be haldine at Aberdeine [this moneth; giving to thame thair full Commissioun and express command to pass to Aber-

<sup>1</sup> Adv. MSS., erroneously, “ John Rower, Minister at Rige.”

<sup>2</sup> Invocation.

deine,<sup>1]</sup> and thair, for the said Presbyterie and in thair names, to conferr, voit, and conclud sic thingis as sould be handelit in that Assemblie, and to doe quhatsumevir thingis that pertainis to the weil of the Kirk: Promiseing to ratifie and approve quatevir the saids Commissioneris sall doe thairinto, according to the Word of God. In wittnes quhairoff, thai haiff commandit thair Clerk to subscriye this present Commissioun, day, yeir, and place fairsaidis. (*Sic subscribitur*.) MR ROBERT ROUCHT,<sup>2</sup> Clerk to the Presbyterie, at the command of the same.' And thairwith did give in and present in wryt thair Protestatioun subsequent; quhilk, siclyk, wes red in audience of us and the said witneses, and wes subscrivit with thair handis in our presence; quhairoff lykwayis the tennour followis: ' Forsuameikle as albeit the Kirk of Scotland, evir since the Reformatioun of Religioun, and lycht of the Gospell rychtly instructit and informit, hes thought it a most necessar duetie, awand to Chryst and his Kirk, to conveye in thair Generall Assemblie, yeirly, for keiping of the puritie of the doctrine, excerceise of discipline, and governement of the haille estait thairoff, with uniforme consent and agriement, lykas thai haiff bein in continuall use and possessioun to keipe the same inviolabill, as a cheiff and principall pairt of the libertie and office of the Ministrie commandit by the Lord Jesus Christ: As also, God hes movit the heart of the King, our Sovereine, with consent of his Estaitis in Parliament, by speciall actis and lawis, to ratifie and approve the same, granting libertie and fri dome to the Ministeris of the Kirk to conveye in thair Generall Assemblies, once in the yeir at the least, and oftner *pro re nata*; and the Kingis Majestie, of his speciall caire and effectioun to the Kirk of Jesus Christ within his Hienes' realme, did give his awin presens, as at uthers diverse Generall Assemblies, so at the last holdine at Halirudhous, quhair certaine Grievances being givin in, among the rest, that the Generall Assemblies wer not keipit ordinarlie, quhilk his Majestie and the said Assembly ordeinit to be keipit in tyme comming; appoynting the actis of Parliament maid thairannent to

<sup>1</sup> Omitted in Univ. MS.<sup>2</sup> Adv. MSS. "Kooke."

be observit, inserting the very wordis of the act of Parliament in the ordinall of the Assemblie, and according thairto at the ending of the said Assemblie, appoyntit the nixt Generall Assemblie to be holden at Aberdeine the last Twyseday of Jully, in this instant yeir 1604.'

" Nevertheless, that day being now come and instant, we fand no appeirance of the keiping of the said Assemblie by the presens of the last Moderatour, nor Conventioun, nor meiting togither of Bretherine, Commissiouneris directit from Provinces or Presbyteries, to the gryt displesoure and greiff of our heartis, namely, in sua necessare and sua neidfull a tyme, quhen messes are breking forth in diverse pairtis, and sume of the burghis of the realme, Kirks and Congregationes lye pitifully unplantt, a cairles cauldnes in all estaitis, namely in the Ministrie it self, and Atheisme, with all kynd of vyce overflowing the face of the land: Thairfoir, we, Mrs James Melvill, Williame Erskine, and Williame Murray, Commissioneris apoyntit and sent hither by the Presbyterie of Saint Androis, haiffing preceisely keipit the day sett for the Generall Assemblie, and attendit on in the Kirk of Aberdeine all the foir noone, without meetting of ony Commissioneris from uthir Provinces or Presbyteries since we came; and sieing we can do no more, hes thought it our most necessar duetie, befor God and his angellis, and yow that ar present, to tak documentis and mak protestatioun: Lykas, in the handis of yow notaris publict we tak actis, documentis, and instrumentis, that we, abovenamit, ar heir present, directit in commissioun from our said Presbyterie of Saint Androis, for keiping of the said appoyntit Generall Assemblie on this day and at this place; so that this same defect hes not, so much as lyes in us, but may hold and keipe according to the Word of God, constitutiones and continuall customes of the Kirk, the lawes of the realme, and the appoyntment of the Generall Assembly last holden, the Kingis Majestie being present thairat, and voiting first to the samen: And we doe protest, befor God, that quhatsoever skaith, hurt, damage, or entres,<sup>1</sup> the Kirk and Kingdome of Jesus Christ within the realme,

<sup>1</sup> Interest.



in the priviledgis, liberties, or friedomes, or utherwayis in the generall or particular estait thairroff, sall happine to incurre or susteine, by the oversycht, negligence, and slipping of the said appoyntit Assemblie, it be not imputed to us and our said Presbyterie of Saint Androis: Protesting also, expressly, that the samyne (iff any be) may be amendit and redressit by remeid of the Word of God, lawis of the realme, actis and constitutiones of our Kirk, and auld libertie and friedome thairroff in sic tyme and place as God sall think expedient.

"Thus, protesting and procureing<sup>1</sup> most earnestlie<sup>1</sup> and<sup>2</sup> solemnly for the weill, priviledgis, and libertie of the said Kirk and Kingdome of Jesus Christ establischt in this realme, movit and seirit up thairto for no uther caus (as God is Judge) but that we may doe and dischairge a most necessar deutie for the glorie of Christ, saftie of his Kirk, and the ease and releiff of our consciences in the gryt day of his glorious appeirance, to call us to ane accompt of our ministerie and dispensatioune concredit<sup>2</sup> to us.

(*Sic subscribitur*)

"MR JAMES MELVILL.

"WILLIAM MURRAY.

"WILLIAM<sup>2</sup> ERSKINE.

"Quhilk Commissioun and Protestatioun being red and presentit, as said is, the said Mr James Melvill, William Erskine, and William Morray, maid their Protestatiounes conforme thairto, and tuik documentis and instrumentis thairupone in the handis of us connotaris publict, undirsubscryveand, day, monethe, yeir, and place foirsaid, and befor the witnesses above mentionit, witnessing thais our subscriptiones manuellis.

"*Ita est, Mr THOMAS NICOLSOUNE, scriba constitutus communis Burgi de Aberdeine, Notarius Publicus, ac testis ad premissa requisitus et rogatus; testan. hac mea subscriptione manuali.*

"*Ita est, WALTERUS ROBERTSONE, scriba constitutus Burgi de*

<sup>1</sup> Adv. MSS. "instantly."

<sup>2</sup> Entrusted.

*Abirdiene, Connotarius Publicus, ad premissa specialiter rogatus et requisitus ; testan. hic meis signo et subscriptione manualibus.*

*"Ita est, DAVID MAR,<sup>1</sup> Connotarius, in premissa rogatus et requisitus ; teste mea hac subscriptione manuali."*

The guid Breitherine of the North, sieing Saint Androis to haiff such a cair of the Generall Assemblie, quhairoff thai had bein cairles, condemned thair awin negligence, and did tak advyce to direct Lettres and Commissioneris from thair nixt Synod to be holdine at Abirdeine in the moneth of August, to all the Provinces of the realme, requeisting that a certaine number directit from every ane of thame aucht to be present at the Synod of Fyff, to be keipit in St Androis in the moneth of September, quhair thai mycht expoune their Grivances, namely, annent the Earle of Huntly, quho vexed thame with his proud Poperie, and to crave all concurrence for a Generall Assemblie.

Be this occasiune, the Synod wes keipit verie frequently<sup>2</sup> at Saint Androis. Thair wes a gryt numbir of gentillmen and many Commissioneris of diverse Provinces, namely, be-south and west. The doctrine wes upon Appostasie, the xxix. of Deut. ; quhilk God blisset with gryt power and moveing of the heartis of all. Thair wes the Laird of Lauristoun, the King's Commissiouner, quho being informit that we meinit to keep ane Generall Assemblie, had Lettres in reddines from the Councill to dischairge our meitting ; but quhen he heard the occasiune expounded be our Breitherine of Abirdeine, and saw all our proceedingis in ane ordinar and quyet forme, he approvit all. Att this Synod the questioune wes movit,<sup>3</sup> Quhither the Generall Assemblie mycht be haldine<sup>4</sup> without craiving and obteneing the King's leive ? It wes found, by guid reassouning, that it mycht ; for, besyd the warrand of Christ, the onlie King of the Kirk, quhilk is sufficient and great aneugh, we haiff a law for it, quhilk the King himself, in a Generall Assemblie at Dundie, acknowldgit to be the most autentik forme of license and consent

<sup>1</sup> Adv. MSS. "Mure."

<sup>2</sup> Crowdedly, great numbers attending it.

<sup>3</sup> Adv. MSS. "reasoned."

<sup>4</sup> *Ib.* "conveen."

that a King could give, *et id possumus quod de jure possimus* : Thairfoir, we sould not dout of it, bot even as Shereffis and Barrounes keepis thair Courtis upoun warrandis, and giftis, and infestmentis, so may we. Bot the Kingis Commissiouner, granting that so it mycht be, counsellit us rather to attend his Majestie's license and guid will ; for utherwayis it wald mak a sturr, and the Counsell by Lettres wald dischaige it : We sould doe weill to mak warneing from this Synod and the rest of the Provinces to direct thair Commissiouneris to meitt with such as this Assemblie sould appoynt, at Perth, in October following, quhair also he sould caus the Commissiouneris of the Generall Assemblie to be present with himselff, and quhat wes thought most meitt concerning a Generall Assemblie, or any uther thing, then he sould cary it to the King, and returne a guid answer. Quhilk advyce being followit, and the Commissiouneris being nominat, the Assemblie dissolvit.

The dyat set at Perth, in the moneth of October, wes very frequently keipit, quhair the Kingis Commissiouner declairet the caus of thair meiting, and desyrit all the Commissiouneris from Provinces to meitt togidder by thameselves, to advyse on Articles and Petitiounes to be sent be him to the King, for he wes presently on his jorney towardis his Majestie ; and he, with the Commissiouneris of the Generall Assemblie, would advys alon in the lyk maner. So we rose from thame, and went togider to a place off the Kirk by our selvis, quhair, chuseing a Moderator, the Breither that come from all pairtis and Provinces of the land, with gryt gladnes and contentment of mynd, spent the foirnoone ; every man orderly and at length uttering their Grivances, and laying thame opin in plaine termes to their Britherine, regrating hevlie the decaying estait of the Kirk, the restraineing of the fridome thair of, the usurpatione of the Commissiouneris of the Generall Assemblie, in taking upone thame the haille reulling and government of the Kirk, and gryt and manifold inconveniences falling out daylie in all Provinces thairby, namlie for the wanting of a frie and Generall Assemblie ; adding also, in end, thair judgmentis and advyces, how thaise things mycht be mendit, and further hurt and mischeiff mycht be preventit ; so

that evirie man thought thai wer begining of new to tast againe of the sueiteness of the auld fridomes thairof, and joyfull meiting togidder of the Breitherine for Chrystis honour and thair mutuall confort. Bot, how sone as the knowledge heiroff come to the Commissiouneris, (as it come incontinent be sune that went out from amongst us, bot wer not of us,) we haiff not leive to meit againe and proceid at eftirnoone; but it behovit us, of need force, either to sit togidder with him, and advyse on matteres in commoune, or then to be dischairgit. Many guid Breitherine wald haiff continowit and mett again togidder at eftirnoone, but the grytest pairt left us; and we being desyrit to continow togidder with thame, wald seime to be singular, and be auctoris of a schisme, but come and sat down with thame, quhair we enterit in a very peice off free conference about the male-contentment of Breither.

We did schaw plainly thair wes amongis us mony more, two causes in speciall, that grivit us; only that the Commissiouneris last chosine be the Generall Assemblie, or rathir a very few of that numbir, arrogatis to thame the haill gouvernement of the Kirk and power of the Generall Assemblie. They did and undid in the name thairof quhat thai list; sa thai maide the compend to abolische the haill grypt work [and power of the Generall Assemblie,<sup>1</sup>] and redactit<sup>2</sup> the Kirk to ane oligarchie, and wald not leiff off thair commissioun, nochtwithstanding the tyme thairoff, being bot to the nixt Generall Assemblie, wes expyrit: The uthir wes, that we saw thais new-nameit Bischoppis growne up fellounlie and ambitiouslie to tak it on thame in Parliament, reassouneing and voiting thairin without any commissioun from the Kirk, to the grypt schame of the Kirk in hir estimatioun, and hurt of hir patrimony.

Thair answer to the first wes, thai undirstud that thair Commissioun wes to continew till the holding of the nixt Generall Assemblie, quhilk keipit not at Aberdeine; and it wes not so meikle thair desyre to remaine commissioneris, for thai wer wearie of the office, as because the King would acknowledge no uthir to deal with him

<sup>1</sup> Not in the Univ. MS.

<sup>2</sup> Reduced, Lat. *reductus*.

bot them, and that we wald finde iff we attemptit any thing without them.

To the nixt annent the Bischoppis, if thai had done any thing contrair to the Cautiounes and Ordinances of the Generall Assemblie, thai sould find all the Commissiouneris also sair<sup>1</sup> censureris as any of us; upon the quhilk poynt thai contendit not to heir the Moderator, Mr Patrik Galloway, to speik verie zealously and lairgelie; bot evirie ane of the Commissiouneris and Bisschoppis thair present spak thair tyme about, and thair stryving quha mycht be most zealous and preceis againes the Bisschoppis as breking off the Cautiounes. Many thingis wer replyit, bot specially againes the second; that thair wes never one jote of the Cautiounes keipit, eithir in the entrie or behaviour of thais Bisschoppis, as it wes evident to men that had desertit thair flockis, and left thair ministrie to goe posting to Court, and come home Lord Bisschoppis againe, as Mr Johne Spotiswood, Mr Alexander Forbes, and utheris had done. All quhilk we were ready<sup>2</sup> presentlie to verify, and all the quhilk we wer desyrit to reserve to the Generall Assemblie; quhairat, iff we gat not concurrence, as every ane had thair professit and promissit, thai sould nevir be estemit as Britherine. Quhairunto this wes answerit, that all wes remittit to the nixt Generall Assemblie; and by them that feirit controlment, that wes moyened at the hand of the Court to be driftit and delayit till custome had corroborat corruptiounes, and meinis maid evin among the Ministeres for thair upsetting and standing betwixt thame and Christ, be it quhen he sould come and call all to ane accompt.

In end, thair wes four Petitiounes aggriet upon to be sent and directit to the Kingis Majestie, with his Heines' Commissiouner, quho promissit fidelitie thairannent:

First, craiffing a Generall Assemblie to be keipit without his Majestie's offence, according to the actis of the Parliament, and custome of the Kirk.

That order mycht be takin with the Papistis, and contemneris of the Kirkis discipline and censures.

<sup>1</sup> Severe.

<sup>2</sup> Adv. MSS. "undertook."

That the godlie and ffaithfull Britherine in England, vexit with Bischoppis, mycht find favour with his Majestie, and be reponit to thair offices and livingis.

Annent the Platt, and helping of their Britherine quho had bein enormly hurt at the last modificatioune, namely, in the Priorie of Sanct Androis.

No further that yeir, bot of a strang meteor, quhilk wes hard and sein in the aire, the seventh day of December. About ane houre befor the sone rose, the moone schyneing cleir tuo dayis befor the chainge, in ane calme and pleasant morneing, thair wes at ane instant sein gryt inflamatiounes of fyre-flauchtis<sup>1</sup> in the Eisterne hemisphere, and suddentlie thaireftir thair wes hard a gryt crack, as of a gryt cannoun, and sensibillie markit a gryt glob or bullat, fyrrie-cullorit, with a mychtie quhissilling noyse, flieing from the north-eist to the south-west, quhilk left behind it a blew traine and draught in the air, most lyk ane serpent in mony faulds and linkit wimples; the head quhair of breathing out flames and smooke, as it wald directlie invaid the moone, and swallowit hir up; but immediatlie the sone ryseing, faire and pleasant, abolischit all. The crack wes hard of all, alseweill within as without the house; and sic as wer without, in the tyme, or hastilie ran out to see, did verie sensibilly sie and markit the rest above rehearsit. Heir wes a subject for Poyetis and Prophectis to play upoun, as wes also the strange comett so much discoursit upoun and written on, togidder with the starr that appeirit and cleirly schynit aboune Edinbruche, hard on by the sonne, at ten hours, elevin hours, and at twelve and ane of the clock, in the middel day; prognosticattig, undoutidlie, strang alteratiounes and changes in the world, namely under our climat. Bartholomeus, Kelermannus, the learned Dantiscane philosopher, in his extraordinarie Disputatiounes of his Naturall Philosophie, did tak it for ane undoutit comet out of Petrus Crugorius' Observatiounes of the most lairnit Astrologianis, namely, that nobill Ticho Brache, Thaddeus Hagatius, Paulus Fabricius, Hastarchus, Honstelius,

<sup>1</sup> Flashes of lightning.

Consul Augustinus, Mestelenus Briumas, Minotius, Valerius Pratensis, and a gryt number moe, concerneing the strangnes and eventis from thair workis; namely, the said Ticho Brache, in his Astronomicall Excercitatiounes, and Kelermannus, Dialepsis againes thame.

### M.DC.V.

In the monethe of Merch, anno 1605, Mr Johne Forbes, ane faithfull brother [and] godlie Minister in the North, by Commis-siounes of his Brethir of the Synodis of Abirdeine and Murray, and advyce of the Secreit Counsel, past to the King, and wes verie weill acceptit of his Majestie, and wes sent backe with diligence, carieing lettres and credit againes the Erle of Huntlie and all Papistis; with certificatiounes of the King's constancie in that Religiounes he wes brought up into, and concerneing the order of the Kirk; that his Hienes wes not myndit to alter any thing thairin; but that his Majestie's will and plesoure wes, that the acts of Parliament and constitutiones of the Generall Assemblie, namelie, quhairat he wes present, sould be keipit; and that his Majestie commandit the said Mr Johne to utter it to all the Britherine of the Ministrie, as his manifest will wes to doe soe; the quhilk Mr John did faithfullie. Now, the great Commis-siouner, Lawristounes, with the Commis-siouneris of the Generall Assemblie, had writtine to all the Presby-teries for keiping of the Generall Assemblie at Abirdeine the second of July; annent the keiping quhairoff great troubill and disputa-tiounes fell out, as at length the following exemple and most true Narratiounes sall particularly informe the reider:

### A TRUE NARRATION OF THE PROCEEDINGS OF THE ASSEMBLY AT ABERDEEN, IN JULY 1605.

“ At Aberdeene, the seconde day of July 1605: The quhilk day, diverse and sindrie Britherine from diverse and sindrie places and Provinces of the land, instructit with sufficient Commis-siounes

from thair Presbyteries to reassoune, voit, and conclud in the Generall Assemblie, appoyntit be his Majestie's Commissiouner, [and Commissiouneris of the Generall Assemblie directit from Perth, the 4 of July 1604, subscriyvit with his Majestie's Commissiouner,<sup>1</sup>] the Lairde of Lawristoune, Mr Patrik Gallaway, Moderator of the last Generall Assemblie holdine at Halirudhous, and Richard Thomsoune, as Clerk to the Commissiouneris, to be and begine att Abirdeine the first Twysday of July 1605, iff by sooner advertisement, it can nocht, being lawfullie assemblit upoun the said warrand and directioun, according to the Word of God, lawis of the countrie, nature and continuall custome of the Kirk of God, eftir incalling<sup>2</sup> on the name of God be Mr Donald Rob[ertsoune,<sup>3</sup>] in absence of the lait Moderator, Mr Patrik Gallaway, Mr Robert Durie, Johne Muray,<sup>4</sup> Johne Forbes, being put on the leitt, with uniforme consent, Mr Johne Forbes wes chosine Moderator, his Majestie's Commissiouner haveing first nominat the said Mr Johnne to be mouthe to the rest; and Mr Johne Scharpe, in absence of Mr Thomas Nicolsoune, with consent of the hail Britherine, wes nominat and chosine Clerk.

"The same day, his Majestie's Commissiouner, haiffing first by word declairit and oppinit the desyre of his Majestie's Secreit Counsel, concerneing the said meitting, did give in ane Lettre direct from the saidis Lordis of his Majestie's Counsel to the Britherine of the said Ministerie conveyit at the said Assemblie; the effect quhair-off wes, to desist from the keipeing of the Assemblie, and to suffer that meitting to desert. Quhilk Lettre, and desyre conteinit thairin, with the suit and desyre of his Majestie's Commissiouner agrieing thairwith, being ryplie considerit by the said Assemblie, and haiffing weyeit<sup>5</sup> the weightiness off the effairis to be thairin treatit, and rarenes<sup>6</sup> of thair awin number, diverse of the Commissiouners being stayed be the tempest of wethir, and willing then, as at all tymes, to wittnes thair willingnes they carriet to satisfie the Kingis Ma-

<sup>1</sup> Omitted in Univ. MS.<sup>2</sup> Invocation.<sup>3</sup> Adv. MSS. "David Wait."<sup>4</sup> *Ib.* "Monroe."<sup>5</sup> Weighed.<sup>6</sup> Fewness, smallness.



jestie and Lordis of his Hienes' Secreit Counsel, in all thair reasonsounabill desyris, insomuch as mycht stand with the Word of God and testimonie of a guid conscience, thought meitt and expedient to continow the intreating of the effaires pertaining to the said Assemblie to the last Twysday of Septembir following; and to dissolve for the present, according to the said suite and desyre of the Councill and Commissioners. Befoir the quhilk ordinance, his Majestic's Commissiouner maid protestatioun, that from the beginning he did not acknowlege that present meitting to be a lawfull Assemblie, in respect of the absence of the last Moderator and Clerk ordinaire. The Moderator, in name of the Britherine, protestit againe, that the said meitting now wes, and behoved to be, ane lawfull Assemblie, in respect of the warrand of thair meitting alledged. Quhairwith the Commissiouner, not being contentit, causit a messenger, thair present, with letteris to chaarge the Britherine thair assemblit to depairt, and suffir that meitting to desert, undir the paine of horneing.

“ The Kingis Lettres being red and considerit, the Moderator and Britherine immediatlie yeilding obedience, callit on the name of God, and dissolvit the Assemblie, taking documentis and actis in the handis of the said messenger, who was also a notar publict, nameit Johne Wischart, of thair present readie obedience; and becaus the said Johne refusit the benefit of his office in that pairt, the Moderator, togidder with the haill Britherine assemblit, depairtit out of the Kirk and place quhair thai satt, and went streight to the Commoun Clerkis chalmer of the Towne of Aberdein, at halff ane hour to four eftir noone, and thair tuik documentis and instrumentis in the handis of Mr Thomas Nicolsoune; the tennour quhair of followis :

“ “ At Abirdeine, the 2d of July 1605, in the Commoun Clerk his wrytting chalmer of the burght of Aberdein, at half houre to four eftir noone, or thairby : In presens of us, connotaris publict and witnesses undirwritten, compeirit personally the Commissiouneris of the Ministerie of this realme eftir following : Thai ar to say, Mr Robert Durie, Minister at Anstruther, Mr Andro Duncan, Mini-

ster at Carraill, Mr Johne Scharpe, Minister at Kilreny,<sup>1</sup> Mr Alexander Strachane, Minister at Raith,<sup>2</sup> Mr Johne Forbes, Minister at Ford,<sup>3</sup> Mr Alexander Forbes, Minister at Buittorhulk,<sup>4</sup> Mr James Irving, Minister at Touch, Mr Robert Youngstoune, Minister at Clatt, Mr Robert Reid, Minister at Banchrie Trinitie, Mr Charles Ferme, Minister at Fraserburgh, Mr William Davidsoune, Minister at Ruthwen,<sup>5</sup> Mr David Robertsoune, Minister at Kinglatt, Mr Johne Mountro,<sup>6</sup> Minister at Taine, Mr Archibald Blackburne, Minister at Abirdein, Mr James Ross, Minister thair, Mr Johne Roucht,<sup>7</sup> Minister at Nig, and alledgit that thai being conveyit in the Sessioun-house of the Kirk of this burght of Abirdein this day, as the appoyntit tyme and place for holding of the Generall Assemblie of the Ministerie of this realme, thai wer chairgit be Johnne Wischart, messenger, by virtue of his Majestie's Lettres givin be act of his Hienes Secret Counsel, of the dait at Edinbruche, the twentie day of Junij<sup>8</sup> last bypast, within the space of ane quarter of ane hour since, that thai sould suffir the Assemblie to desert, and to repair everie one to thair awin dwelling places and charge; and that thai in nowayis presume or take upoun hand to convey or assemble thame selves in ony place, for keipeing of the said Assembly, undir the paine of horneing; as the coppie of the saidis Lettres, quhilk thai schew to us, connotaris publict and witnesses undirwritin, subscryvit, as appeirit to said Johne Wisschart, messenger, proportis: And that, for obedience to the command and charge of the said Lettres, the Ministerie, eftir the giving of the said charge, dissolvit without any further actioun, and come immediatlie furth of the said Sessioun-house and Kirk, to tak notis and instrumentis of their obedience, to the command of the said Lettres and dissolving of the said Assembly, in the hands of us, connotaris undir subscryvand; and heirupoun thai tuik instrumentis at the saidis Commoun Clerkis chalmer at the west end of the towne of Abirdein, at the most publict place, day, moneth, hour, yeir, and

<sup>1</sup> Blotted in Univ. MS. The Adv. MSS. read "Kirkman."<sup>2</sup> *Ib.* "Careith."<sup>3</sup> *Ib.* "Alsford."<sup>4</sup> *Ib.* "Kinkethauchie."<sup>5</sup> *Ib.* "Ratraw."<sup>6</sup> *Ib.* "Monroe."<sup>7</sup> *Ib.* "Ronok."<sup>8</sup> *Ib.* "July."

place foirsaid ; befor thir wittnesses, Mr Alexander Forbes of Fingask,<sup>1</sup> David Ronaldsoun in Tullidaff, Mathew Donaldsoun, Johne Ker, Baxtar, Alexander Thomsoun, Skinner, Burges of Aberdeine, with George Speir, servitour to the said Mr Johne Forbes, and Thomas Forbes, sone to Thomas Forbes, elder, burges of Abirdeine.

“ *Ita est, Mr THOMAS NICOLSOUNE, Notarius Publicus, scriba communis Burgi de Abredonia, ad premissa requisitus.*

“ *Ita est, WALTERUS ROBERTSOUNE, scriba substitutus.*  
(*Sic subscribitur*) “ Mr JOHNE SCHARPE, Clerk of the Assemblie.”

“ Upon the Fryday thaireftir, being the fyft<sup>2</sup> of July, a numbir of Britherine, directit from all pairtis and Provinces of the realme, in Commissioun to the said Assemblie, come to Abirdene, hindrith pairtlie by evill wether, and spaits of watteris, and pairtlie by mistaiking of the day directit by the Commissiouneris lettres sent to thair Presbyteries beiring the fyft day of July ; quho, quhen thai had undirstanding and considerit the doeing of thair Britherine, quha keipit the second day, thai did confirme and approve the samyn, directing thair proceedings to Edinbruche, with all diligence to the Secretit Counsel.

“ The Kingis Commissiouner, Lauristoun, returneing from Abirdein to the Secretit Counsel, quhither movit with the spirit of lies and falschood, or intysit and corruptit publictly<sup>3</sup> to tak occasioun of this accident to undoe the Generall Assemblie and the hail liberties of the Kirk, God knowis ; but certainly he did report ane false and deidly lie, to witt, that he had dischairgit the Breitherine to meitt on that day befor the Assemblie, and that by oppin proclamatioun at the mercat-cross of Abirdein, and notwithstanding thairoff, in manifest contempt of the Kingis Majestie’s auctoritie, thai had keipit the Assemblie ; yit, nevirtheles of this schameles lie, for verificatioun thairof he wes not abill to produce ane man in all the toune of Aberdein. The Counsel ordaines, first,

<sup>1</sup> Adv. MSS. “ Tagastar.”

<sup>2</sup> *Ib.* “ Fourt.”

<sup>3</sup> *Ib.* “ politickly.”

all the Britherin that conveyit thair to be denunceit rebellis and put to the horne; but perceiving that wald want the grund of lawfull chairgeing, and heiring that Mr Johne Forbes, the Moderator, and Mr Johne Welsche, Minister at Aire, wer in Edinbruche, quhair the Counsel did sitt, thai usit the occasioun, and warnit thame by a messenger to compeire befor the Counsel; quhair, eftir certaine interrogatoris, notwithstanding thair answers were most pertinent and cleire, according to the truth of thair proceedings, as is befor rehersit, that thai schewed thame, it wes the Kingis will that thai sould be wardit in the Castell of Blacknes till his Majestie's directioun.

"The Counsel was betymes conveyit in the morneing, betuixt sex and sevin a clock; and so lyk that of the Scribes and Pharises that condemnit Christ, consisting of a few Court Lordis and sum Ministeres, to schaw the oppositioun of the Nobilitie, quha conveyeing at the ordinare houre of Counsel, reassounit honnestlie for the Britherine of the Assemblie of Aberdeen.

"Thus, Mr Johne Forbes, and Mr Johne Welsche, eftir thai had bein keipit in the Castell of Edinburgh one night, wes transportit thairfra to the dungeoun of Blacknes; quhairintill thai wer ressavit, and none suffrit to cum unto thame for thair confort. On Friday, the 27 of July, the rest wer ordainit to be summoned with lettres to compeir at Edinbruche the first day of August.

"The foure Commissiouneris of Fyfe, Maisters Robert Durie, Andro Duncan, Johne Scharpe, [and Alexander Strauchane,<sup>1</sup>] who came to sie what was done at Edinbruche, [compeiring befor the Counsel, and standing honnestlie to that quhilk wes done in Abirdeine,<sup>2</sup>] were incontinent careit away from Edinbruche to the Blacknes to comfort their Breitherine, and were not twenty-four houis thairin, quhen, evin on the morrow, the plague of pestilence brak up in the towne of Edinbruche, Leith, and St Androis, and diverse uthir pairtis of the land, a verie feirfull thing; and, with the first, the Lord Chancelleris awin house infectit in Edinbruche,

<sup>1</sup> Not in Adv. MSS.

<sup>2</sup> Not in Adv. MSS.

and betain<sup>1</sup> with the penalty pronounced be Josua upon the building up of Jericho; for his eldest and only sonne died, and a young damosell, his neice, so that he wes compellit to dissolve his familie, and to goe with his wiff alone, as in hermitage, with gryt feir of the death of his daughter also, on quhom the byles brak furth. This was markit<sup>2</sup> and talkit of be the peiple.<sup>3</sup>

"About this same tyme, Sir George Home's sonne,<sup>4</sup> of the house of Manderstoune, wes advancit to gryt honnour, being first maid Lord of Barwick, and syne Erle of Dumbar, and thairwith imployit Gryt Commissiouner from his Majestie to governe all Scotland, Kirk, and Commounweill; to quhom certaine of the Ministerie, of his guid acquaintance, did wrytt as followis :

[LETTER TO THE EARL OF DUNBAR.]

"Unto your Honnour, our ductie humblie rememberit in the Lord, pleas that, undirstanding that your cuming in the contray with high honouris and ample Commissioun, we would faine haiff salutit your Lordschip in presens, and congratulat your Lordschipis advancement to sic honor and wealth, as becam us; but being debarritt be seiknes and uthir impedimentis, we haiff takin holdnes to doe the same by this schort Lettre, quhilk we pray your honor to tak in gud pairt, as the humble servantis of God. We wald hold you in remembrance, that sic preferment comis not from the est nor from the west, as sayis the Psalmist, but from God, quha exaltis and dejectis at his plesour, and quho will honour them quha will honor him. Thairfoir, for your Lordschipis stabilite in honour, we wald recomend to yow earnestlie the Kirk of Jesus Christ within this realme, that it may injoye the sinceritie of the Gospel, and rycht government and discipline prescryvit thairin, as it hes bein constitut, and be the Kingis Majestie's awin lawes establischt in the Northerne kingdome of his Gryt Britanne. We are

<sup>1</sup> Overtaken.

<sup>2</sup> Adv. MSS. "marvelled."

<sup>3</sup> *Ib.* "of all the Brether."

<sup>4</sup> *Ib.* "ane uncle."

put in sum feir be the plottis and attemptis of your new and young Bieschoppis, quho, without all order of the Kirk, ethir old or new, intruse<sup>1</sup> thame selves in thais rooms, quhilk his Majestie sett down in 'ane Generall Assemblie, holdine at Montrose, be the Commis-siouneris for the Kirk at his Heines' Parliament, taking thair instructiounes and directiounes from the Generall Assemblie; the quhilk cautiounes, notwithstanding, if thai sall keipe and observe, we look for nothing but guid peice and quietnes among us; quhair-unto we sie the haill Ministerie marvelouslie inclyne since his Ma-jestie's last directioun at the entrie of his Heines progresse to-wardis the South.

“ ‘ But if thais Bisschoppis breick the cautiounes, and preas lordly to tyrانىse owir the Britherine and the Kirk of Jesus Christ, thai wilbe the brekeris of the peice of Jesus Christ and his Kirk, and quyetnes of his Majestie's subjectis, sore againes our will and heart. The men are bot yong, and easily puft up with the auctoritie and countenance of so wyse and mychtie a King; but we know thame weill eneughe that they have been under the rod of our correctioun and discipline both in the scoolis and Kirk. We cannot, with patience, sie thame misken God, his Kirk, and thame selves, without putting order thairto, be the power that Chryst hes givin us, according to our calling; the boundis quhairof, by Godis grace, we sall nowayis passe. But your Lordschipis grypt wisdome and know-ledge of the estait of this countrie may easilie tak upe quhair that may breid, to witt, iff possibill, it may be that his Majestie's cle-mencie may be expugnant by thair importunity, thai will procure his Majestie's wraith and indignatioun upoun us, quhilk, iff thai obtain, we man resolve patientlie and constantlie to suffir; bot what may ensue thairupoun manifest exemples of our lait aige may cleirly declair.

“ ‘ Your Lordschip knawis best of our pure approveing fidelitie and loyaltie to his Majestie in all thingis, and how compleseing we haife bein in all matteris, saiff this poynt, allenerlie,<sup>2</sup> that tuiches

<sup>1</sup> Intrude.<sup>2</sup> Only, alone.

our conscience and duetie to the King of kingis, the Lord Jesus Chryst, to quhom quhosoever is unfaithfull, or unfaithfull in thair ministerie, sall never prove faithfull nor stabill to men. We doe abyld the samen men quho will give place to no Bisschope of thame all in loyalty, honour, reverence, obedience, or ony sort of duetie to his maist excellent Majestie, and doing of all guid offices in our callings for preservatioun of his Majestie's most royall estait and persoun in suretie, peace, and in the favour of God and all guid men, the only sure foundationne of sic majestick and magnifick a building: Bot in this opinioun we will die, (and so, we ar assurit, will the best, yea, evin the greatest pairt of the Ministerie of the Kirk of Scotland,) that to suffir the tyrannie of Bisschoppis to come within our Kirk of new againe, is to committ hight treassoun against Christ and the King; and, thairfoir, must oppoune ourselves thairto to the uttirmost of our lyffis, yea, think our lyves most honorabillie bestowit, if God will honour us so meikle as to suffir thairfoir, evin to the losse of our lyvis, being assurit that so we sall gaine our saullis and lyvis to lyff for evir.

“ ‘ Thairfoir, as we haiff evir knawin your Lordschip weill and cairfullie affectit to the Kirk, for his Majestie's quiet estait and peaceabill reigne, we most humbilly beseik your Lordschip to imploy your Lordschipe's gryt credit, for staying the ambitious follie of thais men, that it disturbe not the piceabill, most quyet, and obedient estait of the realme; and iff it fall out any utherways, (as God forbid,) we tak your Lordschip to wittnes be thir our present lettres, that we ar wytyles,<sup>1</sup> being of purpose to doe no moire for Christ and his Kirk establischit within this realme nor<sup>2</sup> the purest subject thairin wald doe for ane cot-hous and a kail-yaird, quhairto he had guid rycht, and quhairin he wes in long and peaceabill possession of the same; that is, to stand for the rycht, and doe for it his uttirmost. Thus doing, as we dout not of your Lordschipe's approven guid-will, boith of old and of new, by that quhilk our Brothir, Mr Johne<sup>3</sup> Forbes, fand, being laitlie at Court, and hes

<sup>1</sup> Free of wyte or blame.

<sup>2</sup> Than.

<sup>3</sup> Adv. MSS. “ Patrick.”

maid knawin to all the guid Britherine, your Lordschip sall undout-edlie procure the blessing of God, the love of Chryst, the favour of all guid men.'

" At the verie selff-same tyme, ane nobill, weill-affectit gentill man to the kingdome of Chryst, and of guid credit with the Earle of Dumbarr, wrote to him as followis :

[LETTER BY A NOBLE, WELL-AFFECTED GENTLEMAN TO  
THE EARL OF DUNBAR.]

" ' My Lord, haifeing the occasioun to meitt with sume speciall of the Ministerie, immediatly eftir my departoure from your Lordship, I fand that thai are abill to justifie thair doeingis at the Assemblie at Aberdein, be sufficient warrand, thai being nevir dischairgit, directlie nor indirectlie, till all wes concludit; and feiring the misconstructing of thair matteris, and meittingis be the Bisschoppis, behavit thame selves in sic sort, that thai meddilit with no particularis whatsumevir; only electit the Moderator, callit the Rollis, and continowit the Assemblie till ane uthir dyat: Quhilk thingis, being indifferentlie considerit, thai (not dischairgit) wald seime most lawfullie to be done. Thairfoir, seing thai haiff your Lordship in sic estimatioun amongis thame, as thair awin<sup>1</sup> patrune at the Kingis Majestie's handis, let me be this bauld, most humblie to intreat your Lordschip at this tyme so to doe, that thai may find your Lordschipsis favoure to continow with thame; and to accept of the declaratioun of the truth of that matter without being prejudgit, and I will promise, in thair name, for so I haiff commissioun to wryt, that heireftir, iff your Lordschip wilbe plessit to reveil your Lordschipsis mynd quhat way thai sall behaiff thameselves concerning his Majestie, thai salbe reulit with your Lordschipe's advyse in all thingis, so far as thai may, keipeing thair conscience saiff befor God in all thair callingis. And for this effect, thai wald be glaid

<sup>1</sup> Adv. MSS. "only."



that your Lordschip wald imploy sume one to quhom your Lordschip will give credit in the contrary, and how far suche thingis, quha from tyme to tyme mycht acquaint thame with your Lordschipsis mynd; by the quhilk doing, your Lordschip will not only haiff thame youris in goeing on your Lordschipsis awin respectis, but lykwayis to the furtherance of quhatsumevir uther thing sall occur in the Kingis Majestie's estait, in contentment, and your Lordschipsis credit, quhairin none can doe so guid offices as they, haiffing the heartis of all the godly and honnest within the land.

“ ‘ Iff your Lordschip knew thair credit in the contray, and how far thai ar affectioned to the Kingis Majestie's obedience, and the quyetnes of the land, togidder with thair honnest and unfold<sup>1</sup> meining in simplicitie in everie thing, as I doe, your Lordschip wald mervell how thai sould be so misconstrued as thai ar. The truth is indeid this, that in thais thingis quhilk concerned the libertie of the Kirk and discipline thair of, thai wilbe instant for the defence thair of, be all meines possibill, lawfullie, yea, even hazard of their lyves. Thairfor, as I dout not, thai ar approvin to your Lordschipsis conscience to be the best sorte, it salbe ane honour to your Lordschip to take thair mentinence, althought for the present your Lordschip may not directlie nor yit indirectlie; and thairby your Lordschip sall conquieiss all the heartis of the honnest men in the land, and I am assurit that the Lord will recompense it with eternall blissing. Now, sieing thai ar your Lordschipsis, for the present, loiss thame not, for thai ar worthie to be keipit; ane man may haiff the credit of thame as your Lordschip hes, and may haiff. Many utheris reassounes I mycht wryt, quhilk I refferr it to your Lordschipsis guid and wyse consideratioun; and sua, I bid your Lordschip fairweill.’

“ Upoune the 25 of July thair wes publischt a Proclamatioun, being a narratione that a few Ministeris, not content to continow in the guid ordour quhairin the Kirk had florischit many yeiris, had

<sup>1</sup> There seems to be no doubt this is meant for *afald*, sincere.

of lait, in a manifest contempt and misregard of the King, conveyit thameselves at Abirdein, and thair held ane Assemblie, and apoyntit a new Assemblie to be haldin the last Tuysday of September nixt to come, without any lawfull warrand, power, or commissioun for that effect; thairfoir, commanding, chairging, and inhibiting the Proveistis and Bailies of Abirdein, and of all burghes and villages, that thai suffir not Ministeres to come within thair boundis to that effect, the said day, nor eight dayes befor nor eftir the same; and siclyk, all nobillmen, barrounes, and gentillmen, and all Burrowes, Presbyteries, and Sessiounes, magistratis, and inhabitantis of tounes, burchtis, and villages, that thai direct no Commissiouneris, nor repaire thameselves thairto; undir the paine of convocatioun of the King's leidgies and horneing, &c. The first pairt of that proclamatioun wes remarkabill, that the King had givin so mony proofes and testimonies of his sinceritye in that Religioune quhairin he wes trinit upe, and quhairin he had given ane confessioun, and maid a constant professioun, that everie weill-affectit subject, and namelie the Ministeris, had maist just caus to expect assureitly that stedfast course to be still keipit by his Majestie; and this wes to tak away all suspitioun of alteratioun intended in the Kirk.

“Upon the eight day of August, immediatly eftir following, wes publischt ane uther Proclamatioun, schawing the unlawfullnes of that Assemblie halden at Abirdeine; and, thairfoir, dischairging all Synods, Presbyteries, and Sessiounes of Kirks, and Ministeres, from ratifieing and approveing of the samen, undir the paine to be re-putt<sup>1</sup> as guiltie as they; also all nobillmen, barrounes, and gentillmen, burgesses, or uthiris, from heiring of the samyn, athir privatly or publictly approvin, undilating the samyn to the Secreit Counsell, and furnesching of wittnes for probatioun of the same, to the intent thai mycht be convictit and punisheit.

“The samyne moneth of August, again the Britherine committed to ward wer seitid<sup>2</sup> to compeire befor the Counsel to answer to certaine Interrogatoris that come from Court; quhilk quhen thai

<sup>1</sup> Reputed.<sup>2</sup> Cited.

had done, thai wer committit againe to thair waird at Blacknes, and ordaineit to compeire befor the Counsell at the toune of Perth, at such a day in the moneth of October following. In the meintyme, the Synod ordinar of Fyff being convenit in Innerkitheing, did deliberat and reassounne in the matter as follows :

[PROCEEDINGS OF THE SYNOD OF FIFE HELD AT INVERKEITHING,  
AUGUST 1605.]

“ ‘ First, they find it most necessar to haiff ane Generall Assemblie without anie delay, without the quhilk the Kirk of Jesus Christ, within this realme establischt, could not remaine long frie and saiff, in respect of the insolencie of Papistis, grouthe of Atheisme, dissolutioun of maneris, and distractioun amongis the Pastors and Ministeris of the Kirk, quhilk in small proces of tyme mycht proceed to ane horribill and feirfull schisme, to the uttir overthrow and subversioun of the sinceritie of the Gospell and libertie of the kingdome of Jesus Christ, so notably settelit and faithfully deliverit to the present office-beireris thairin by thair godly, wyse, learnit, and zealous predecessoris, and of the inuttirabill mercie and guidness of God.

“ ‘ Nixt, becaus the last Synod of thair Province, haldine at Bruntlyland in the moneth of April last bypast, thai had thought it most necessar, for the reassounne above specifit, and diverse utheris great and weightie reassounes and causes moveing thame, that evirie Presbyterie within the Province sould elect thair Commissiouneris for the keipeing of the Generall Assemblie appoyntit by the King’s Commissioner, with the advyce of the Commissioners of the Generall Assembly to be holdine at Abirdeine the first Tuysday of July last bypast, the Presbyteries thair of had done faithfull duety by directing thair Commissiouneris ; quhilk Commissiouneris had reported thair diligence in assisting with the Commissiouneris of uthir Presbyteries in fenseing the said Generall Assembly, day and place above mentionit, and continowance of the samyn, for the causes

contineit in the actis and documentis takin at Abirdein thairannent, unto the last Thursday of this present moneth of September: The quhilk doeing and diligence the said Presbyterie had allowit.

“Thairfoir, this present Synod sould find it to be the most necessar for the foirsaid causes, and for the keipeing the possessioun of our Generall Assemblies saif and frie, (quhilk, utherwayis, mycht be interruptit and brokin, and fall be prescriptioun of tyme,) that the said day sould be keipeit at Abirdein be the Commissiouneris of the Presbyteries: But, undirstanding that thair haid interveinit proclamatioune and edictis publischt in the Kingis Majestie's name, by the quhilk the said Assemblie holdin at Aberdeine is condemned as proceeding of contempt and rebelloun againes his Majestie, (the contrair quhair of the God of hevin, and guid men on earth knawis,) and the haill occasiounes and behaviour of the said Commissiouneris of the Presbyteries evidently testifies; and, thairfoir, the said next Assemblie and meitting at Abirdein is dischairgit undir the paine of horneing, as at mair lenth is conteinit in the said proclamatioune, the said Synode fand thameselves brought in this strait, athir in omitting in keipeing of the said dyet at Abirdeine, and so losseing the possessioun of thair Generall Assemblie, or then of the incurring of the Kingis hight indignatioune and paines conteinit in the said proclamatioune. The quhilk gryt strait and extreame difficultie, quhen they had long and most gravely reassonit upon and considerit, at diverse sessiounes, and eftir invocatioune most earnestlie for the lycht, wisdom, and directioun of God, in so weighty a matter and gryt perplexitie, sould resolve in end, for thair awin pairt, rather nor fall undir the handis of men, and undir their displeasure and danger of thair decries, then to omitt so necessar a duetie, and to fall in the handis of God, quho is a consuming fyre, and in caise of ane evill conscience, quhilk is that continowall byting<sup>1</sup> worme that never dies; and yet, feiring least that any danger, be over haistie or rasche doeing of them, mycht come to the commoun estait of Godis Kirk, and so to the just offence of

<sup>1</sup> Adv. MSS. “living.”

the memberis thair of throughout this realme, and in other contrayis also, assuering themselves that thais proclamatiounes proceedit not so meikle from his Majestie as from sinisterous informatiounes and evill-effectit persounes towardis the guid estait of the Kirk; as also thinking it most meit, in a matter of extreame importance, to haiff the advyce and concurrence of the Britherine of uthir Provinces, for meining of the matter by humble Supplicatiounes to his Majestie; not douting but his Majestie, being rychtly informit of all proceedingis, and sieing sic necessitie for a Generall Assemblie, and so greit reverence carriit towardis his Majestie's obedience, but that his Majestie wilbe movit to grant to the request of the Kirk: Thairfor, the said Synod thought it meitt to prorogat the day appoyntit be the Britherine at Abirdein to the moneth of Maii nixt following, sieing that befor that tyme, neither the Kingis Majestie can be rychtly informit in treating, and his Majestie's answer gottine, neither yit the advyce and concurrence of the Presbyteries and uthir Provinces obteneit, ane Supplicatione in the meintyme wald be penned and sent to his Majestie with sune of the maist gracious Britherine from the Synod; lyk as from the same Commissioners to all other Provinces nixt adjacent about, to haiff thair advyce, concurrence, and consent, alsweill to the said Supplicatioun as to the continuatioun of the day appoyntit for the nixt Generall Assemblie, that, if it be possibill, we neither tyne<sup>1</sup> the possessioun of our Generall Assemblie, nor incur his Majestie's offence, nor any wayis prejudice or hurt the caus of Christ, the Britherine quhom he honouris with so godly and honest both doing and suffring for the samyn; but that we may be about, with all lawfull indeavouris, to purches thair relive.<sup>2</sup>

“This being weill deliberat, faillit in that pairt effectuating concerneing that Supplicatioun and sending to the King; pairtly for feir thai sould not be admittit to the Kingis Majestie's presens, quho would ressave no informatioun of the matteris of the Kirk but from his Commissiouneris, pairtly throught distrust that it

<sup>1</sup> Lose.

<sup>2</sup> Procure their relief.

could work anything but the hurt, boith of them that wer in prisoun and uthiris: Allwayis, the knowledge thairroff, goeing athort<sup>1</sup> the Presbyteries, come to the King word by word; lykas, also, that quhilk wes with universall consent agriet upoun in that Synod at Fyff, that a Fast sould be keipit throughout all the haill Provinces, on twa dayis solemnelly, immediatly eftir the returne of evirie Minister to his flock, viz. upoun the 15 and 22 dayes of that instant September; the Causes quhairof wer agriet upoun in the verie wordis following:

[CAUSES OF THE FAST TO BE KEPT IN THE SYNOD OF FIFE.]

“ ‘*First*, The plague of pestilence so long continowing, and the litle estimatioune of the hand of God thairin.

“ ‘*2dly*, Unseasonabill wether in the tyme of harvest.

“ ‘*3dly*, The distractioun of the Ministerie, and sume thairroff seiking thair awin preferrement, contraire to the Word of God and constitutione of our Kirk.

“ ‘*4thly*, The restraint of Generall Assemblies, being sua neidfull in tyme of Atheisme and Papistrie growing.

“ ‘*[5thly]*, The imprissounement of Ministeris, and restraining of thame from thair flockis at the tyme quhairin Godis judgmentis are brokine furth.

“ ‘*[6thly]*, The not knowing the day of our visitatioune, in thingis pertaining to our awin peice, neither by the Sieris and Watchmen, nor be the peiple.’

“ This deliberatioune and doeing of the Synod of Fyff, howbeit in grypt weaknes, yet goeing abroad, and coming to the knowledge of the Ministeris and their flockis athort this realme, maid monie to look neirer to the matter, and tak it moir to heart; also the godly behavioure and zealous excerceis of prayer and preicheing of the Word, quhilk the imprissounit Britherine usit in all thair prissounes, Dumbartan, Stirling, Doun,<sup>2</sup> [and] Blacknes, movit the people

<sup>1</sup> Across, *athwart*.

<sup>2</sup> Adv. MSS. “Dundie.”

very muche, so that the Counsell thought it neidfull to direct lettres to evirie Presbyterie within the realme, schawing thair guid dispositioun to put the lawis in executioun againes the Papistis, and all insolent contemneris of Ministeris; notwithstanding, thai wer to tak order with the few number that had factiously and seditiouslie offendit his Majestie's command and directioun. The quhilk wes answerit and mett be ane Appologie givin out for the Britherin, taking<sup>1</sup> up the matter schortlie and pithilie in this syllogisme following, the assertioun premittit :

*The guid and godly Britherine their caus is cleirit, to the conscience of all, by the force of this Syllogisme :*

“ ‘ Giff thai haiff assemblit and proceidit in thair Generall Assemblie haldin at Abirdein, the second day of July 1605, be the guid warrand of the Word of God, of the Lawis of the realme, of the Constitutiones and continowall Practise of the Kirk of Scotland, sin the first Reformatioun of the Religioun, and according to the Order and Discipline of the Kirk, subscryved and solemnelie sworne to by the King, and Estaitis, and the Ministeris, and haill body of the Kirk and kingdome, &c., thai haiff done lawfullie, weill, and wysely; and so sould not be condemned and punischit, but honourit and rewardit :

“ ‘ Bot so it is, that thai evin haiff so assemblit thameselvis, and proceidit in the truthe :

“ ‘ Thairfore, thai haiff done lawfullie, weill, and wysely; and so sould not be condemned and punischit, bot, by the contraire, honorit and rewardit.’

“ The warrandis of the Word of God, quhen he had deduceit by severall poyntis orderlie, and cleirly, he concluded thus :

“ ‘ It is then manifest, of the Word of God, that Jesus Christ, to quhom all power in hevin and earth is givin, hes givin power to the Pastouris and Elderis to meit togidder solemnelie with thair flockis and peiple, not only to Preiching his Evangell, and Publiet Service

<sup>1</sup> Adv. MSS. “ packing.”

and Worschippeing, in Prayer and Administratioune of the Holy Sacramentis, but also to keipe Assemblies for reteineing of the samyn in sinceritie without corruptioun, and for conteineing both Pastoris and peiple in thair Christiane duetie by the rod of Discipline : And this power is givin be Christ to his Pastores, no mortall sould restraine, violat, or impd any wayis; no King, Prince, nor Magistrat, much more being a Christiane Magistrat; but the more truelie and sincerely the Emperour, King, Prince, or Magistrat, professes Christ Jesus, the more willing, bent, and ardent sould he be in imploying the power and auctoritie that God hes givin him, to sie God glorified and obeyit in his Kirk, and so preserve and manteine haill and sound the priveledge and liberties of conveineing and assembling commandit by Jesus Christ unto the Pastoris and Elderis of the Kirk. The Lord Jesus Christ oppine the eyis of the King and his Consel to sie with quhom it is they have adoe, to wit, even with the Lord Jesus, and not with poor, simple men, quhom they persewe; and also, quhat thai ar doeing in this caus, for by the last proclamatioun givin out againes the Assemblies and meittings of the Ministeres, thai being the best servandis of Christ, and the maist duetifull subjectis to the King, to that extremitie of The Thrie Childrein and Daniel, that is, either to transgresse againes God, or to be cassin in the fyrie fornace or lyounes denn; and so that is maist pertinent to this purpose, quhilk Eusebius, in his first book of the Lyff of Constantine, wrytis of Licinus the tyrant, as the Latine interpreter translaitit it: *Utilitas et necessitas Synodorum vel inde provideri potest quod Licinus Ecclesiis exitum machinatur, cum nihil haberet quod commiseretur aliud, hanc legem promulgavit, Ne Episcopi inter se de rebus suis vel Ecclesiarum communicarent, neque Conventus aut Consilia celebrarent.* And this he subjoynes, '*Hæc tanquam causa Licinio fuit ad nos proterve contumeliosque tractandos aut enim legem violando supplicio obnoxios esse oportebat, aut legis præcepto more gerendo Ecclesiæ ritus et instituta evertere, nam magnæ et graves deliberationes de rebus Ecclesiæ susceptæ non aliter possunt quam per rectam Conciliorum administrationem ratione et via procedere.*'

“ When he had producit his warrands, by diverse and many actis



of parliament, statutis, and lawis of the realme, and also from the constitutiones and custome of the Kirk, since the year 1560, to the year 1563,<sup>1</sup> he bringis in the oppugneris objectiones and answeris to them: *First*, The few number: *2dly*, The forme of the chuissing the Moderator omitted: *3dly*, The want of the ordinar Scribe: *4thly*, The way and place of keipeing of it, as nevir wes usit in any Assembly in Christis Kirk befor: *5thly*, and last, The standing preceisly upon the keipeing of one day with the King, quho meinit not to tak away our Generall Assemblies from us.

“For the number and fewnes, he answers, that the Assemblies of Christis Kirk are not in his Gospell defynit by great numbers, bot by very small; as that, ‘At quhatsumevir tyme two or thrie ar gatherit in my name, I wilbe present in the middest of yow.’ So that, ‘Agrieing in my name,’ ‘Quhatsoever ye doe on earth in my name, salbe ratified in heavin.’ So suir ar we that this wes and is, and farder for all that wes donne, thair wer anew, and ovir many, to witt, to fensse the Assemblie with prayer, and continow the samyn till a uthir day for just causes moveing thame, with thankisgiving to God, in the end: Quhilk forme of docing, as in the parliament of our realme oftine so hes it bein in our Kirk in use: For instance and example, in the year 1596, the Generall Assembly ordinarie of our Kirk wes appoyntit at Saint Androis; thair interveinit a great schaiking of the Kirk, and brangeling thair of by the divil at that Evill Synod, 17 day of December,<sup>2</sup> and ane Assemblie by the Kingis Missive Letteris, convocatid at Perth in February. Mr Robert Pont, a godlie, learnit fathir in the Kirk, being ordinarie Moderator, accompanied with Mr John Hall,<sup>3</sup> and a few othir godly Britherin, come to St Androis on the 27 day of Aprile, ordained for the ordinarie Generall Assemblie, and did prorogat and continow the samyn till the moneth of May nixt following, to be keipit at Dundie, for the keipeing of the Kirk in the possessioun of hir libertie, quhilk that Conventioun of Perth wes about to prejudge and tak away.

“For the Moderator, say they, thair wes ane ordinarie standing

<sup>1</sup> Adv. MSS. “1603.”

<sup>2</sup> *Ib.* “September.”

<sup>3</sup> *Ib.* “Auld.”

answer : He wes absent undeutfullie, and thairfoir another chosine in his rowme lawfullie, to moderat that meitting, and to censure the absent : Thair wes no exhortatioune, no edictis<sup>1</sup> for electioun, none put to the dore. Answer, The last Moderator, lookit for, came not to preache, and no uther man, upon so short a tyme, without advysement, could tak upon him sic a weightie matter ; also the ordinarie doctrine of the Ministerie of the place mycht serve for that, and supplie it. 2. Lettres [leets?] that wer maid eftir prayer, concevit by the Moderator of the Synod of the Province of Abirdeine ; and as for that putting out, and the rest of these accidentall formes and ceremonies, one answer may serve for all, that sic trifles can not stand nor [be] sticken upon, quhen the substance of all is in sic perrel of undoeing and perisching, as at that tyme, the possessioun of the libertie of the keipeing of our Assembly. In end, the forme of moderatioun is not thought to be sua strange, and so to be querrelit by thame, iff thai wald remembir the foir-mentionit Assemblie at Perth, quhair, without any doctrine or letteris [leets] at all, in absence of Mr Robert Pont, ordinar Moderator, Mr David Lindsay, at the only nominatioun of two or thrie of the Britherine present, in a secreit conference, enterit Moderator to that Assemblie. Witnes all that wer present thair.

“ As for the Ordinarie Scribe, for feir he refusit to doe his office, being stayit be the King's Commissiouner ; but it became not the Ministeres of Jesus Christ so dastardlie to leive so necessare a dewtie, and thairfoir thai chusit ane moir auctentik Clarke, ane of thair awin numbir, efter the maner of the Synodis and Presbyteries of the Kirke, ane lairnit, honnest Minister of Christ's Evangel.

“ Annent the place, it wes not privat, as wes alledgit wrangouslie ; nor yit with close doris, utherways nor is the common custome of keipeing of Assemblies, but in the ordinar Sessioun-Hous, without the Great Kirk of Abirdein, quhairin the Synodis and Presbyteries ordinarlie sittis ; as publict ane hous as athir the Counsell-hous, within the Tolbuith of Dundie, quhair wes keipit a most notabill

<sup>1</sup> Adv. MSS. read more correctly “ lites,” (leets.)

Generall Assemblie in the monethe of July 1580, or the Counselhous within the Tolbuithe of Edinburcht, whair ordinarily twyse everie yeir, by the space of diverse yeires, the Generall Assemblie did sitt. Bot, as hes been answerit, all thais circumstances and formes givis place quhen the essence and substance of matteris standis in hazard and jeopardie.

“Fyftlie, and last, concerneing the preceis keiping of a day with the King; answer, Thair wes ane great caus in standing on ane day, quhen ane uthir day had bein appoyntit, for utherwayes the possessioun of our Generall Assemblie had bein interrupted and brokin off, nather could the way have been fund ordinarilie to convocat againe ane Generall Assemblie; for quho had powir to appoynt tyme and place for the samyne? None ordinarlie and orderlie but the Generall Assemblie. So the day appoyntit be the last Generall Assemblie being omitted and desertit without the appoynting of a new day, the possessioun of our Generall Assemblie was lossit by the prescriptioun and circumducing of the terme, as the laweris callis it; and further, in verie deid, thair wes manifest just causes, quhilk did mak thame to feire the meineing to tak away and dispossess the Kirk of hir Generall Assemblies, at the least the lawfull ordinarie Assemblies continowit since the beginning: For the Assemblies convocat be the King, or his proclamatiounes and missives, ar not the proper, lawfull, ordinarie Assemblies of the Kirk, becaus thai flow from a Civill Magistrat, for civill obedience, quhilk is but the ordinance of man, as the Apostle Paull callis thame, Coloss. ii. 20, 22, and not spirituall, and ordinances of Jesus Christ, the only King of his Kirk.”

Ane speciall poynt of the Appologie is the schawing of the just caus of our feir of our wanting, and dispossessing of us of our Generall Assemblies, quhilk ar thais following:

“The King plainelie professit that he lykit not our Generall Assemblies, becaus we acknowledged not the power thair of to flow from his auctoritie: 2dly, The Bischoppis abhorrit thame becaus thai wer thair judge, for feir thai sould be callit to ane accompt for breking of the Cautiounes thair of; quhair of in all thai wer guiltie:

3dly, The Commissiouneris, in lyk maner, because they fearit censuring and putting of thame from the haille government of the Kirk, quhilk thai had usurpit and plukit away from the Generall Assemblie, under pretence of a Commissioun therfra.

"We sought to haiff obteneit leive, and beine suffrit to keipe and hold ane Assemblie according to our custome and warrand, and usit for the same all maner of earnest Supplicatiounes by the space of tuo yeires and mair, but could not obtene the samyn; pairtlie, becaus of the forme of the petitioune, that without his Majestie's offence or staying, we mycht keipe our Generall Assemblie; pairtlie, for feir we sould ovirturne so meikle of the Episcopall worke that wes buildit upe. First, to this effect, the Synod of Fyfe earnestlie delt with and wrote to Mr Johne Hall, last Moderator befor Mr Patrik Galloway, quho wes absent out of the countrie and realme, that forsuameikle as thair wes ane Parliament to be for his Majestie's coronatione, and uthiris maist weightie effaires of the Unioune of the tuo realmes togider undir his Majestie's dominioune, we mycht haiff ane Generall Assemblie at that Parliament [to sie to the estait of our Kirk, as it had evir bein the custome of the samyne, since the first Reformatione of Religione, to have a Generall Assemblie<sup>1</sup>] in tyme of Parliament: The said Mr John Hall promissit to wryt to the King, quho reportit ane answer that he had so done, and could not obtene it.

"Secondly, The Ministeris of Edinburcht wryt to Mr Patrick Galloway, last Moderator, he being with his Majestie at Court, to the samyne effect; quho, eftir delaying and mony promisses, at last he wrot that he sould come home and keipe ane Assemblie; but eftir his home-cumming no sic effect followit.

"Thirdlie, The Britherine of the North, eftir thai fand the Assemblie appoyntit at Abirdeine in July 1604 to be continowit, came to the Synod of Fyff holdin at Saint Androis in September soone eftir, and joyneing with thame of that Synod, besought the Kingis Commissiouner, the Laird of Lawristoune, thair present in the

<sup>1</sup> Omitted in Univ. MS.

Synode, for the effect fairsaid, quho answerit, he was repairing towardis his Majestie; and, thairfor, desyrit the Commissiouneris of everie Province to meitt at Perth, and joyne togider in one Supplicatioun, quhilk he sould carie as that from the Commissiouneris of the Generall Assemblie, to be assemblit thair, (for from the handis of no uthir wald the King ressave aney requeist or Supplicatioun concerneing the commoune effaires of the Kirk,) and said, he wes in guid houe to obtaine the samyn.

“The Commissiouneris of the Generall Assemblie conveyit with the Kingis Commissiouner at Leith,<sup>1</sup> in Octobir thaireftir; quhair wes also frequently conveyit many diverse Commissiouneris from all the pairtis and provinces of Scotland, quhilk all agreid in ane to mak Supplicatioun for a Generall Assemblie, directing the samyne with the Kingis Commissiouner, and sua expectit some guid answer; but all in vaine.

“Mentioun being maid of a Generall Assemblie at the last Synod of Fyff, haldin at Bruntland, the Commissiouner being now returnit from Court, and thair present, did strangely withstand the samyne; schawing that he had ane expres article in his Commissioun not to permitt it. It wes humblie and earnestlie desyrit thair that the tyme and place mycht onlie be appoyntit, hou schort or hou long soever, that the Kirk mycht be put out off suspitioun and jealousie of dispossessing of thame, and losseing of ane Assemblie for evir; but it could not be grantit.

“The said Commissiouner, at the day approaching, appoyntit for the Generall Assemblie at Abirdein in July 1605, sent Lettres to all the Presbyteries for superceeding thairfor; the quhilk Lettres buire no certaine day nor place to the quhilk the Assemblie sould be prorogat and continowit.

“The Lettres directed to Abirdeine from the Counsell desyrit and counselit, directlie and expresslie, that the Assemblie mycht be deserted and left; yea, and the Britherine conveyed thair being callit be the Counsel, cravit that any day and place mycht be ap-

<sup>1</sup> Adv. MSS. “Perthe.”

poyntit for the nixt Generall Assemblie, that thair mycht at least yet remaine sune houpe of the samyn ; but it could not be grantit : And, Last, it wes and is the commoune voyce of all, to the grytest greiff of the guid and godly, and the tryumphing of enemies, Papistis, Atheistis, and licentious, that we sould nevir have a frie Generall Assemblie of our Kirk againe. Let onie indifferent man then judge quhither thair wes not just caus of feir for the lossing all libertie within our Kirk and Assemblies or not !”

FOLLOWIS THE APPOLLOGIE FOR THE PRISSOUNERIS OF CHRYST  
PRESENTLIE IN BLACKNES.<sup>1</sup>

*Soli Deo gloria.*

“The commoune newis and maner of talk is now of the imprissounement and horneing of Ministeres, (of the quhilk thair be money,) yea, even of the Ministerie that is not evil thought of, and so almost allowit be sum, procurit be all, is not takin to heart, but coldlie regairdit ; and yit it is sure that sic a numbir of the lairneit-est, godliest, and best of the Ministerie, hes done amisse and fallin. The breck and ruine of the Kirk is great, for the quhilk we all, true memberis thairof, maist sensibillie and feillinglie be tuichit and sorowe. If thai haiff not failit, but done ane honest necessar duetie, and that rychtly and wysely, then the procureres of the punischment of sic weill-doeing, the allowaris thairoff, yea, and the lycht

<sup>1</sup> This document was written by Mr James Melvill, and has often been alluded to by historians. In the folio edition of Calderwood's History, p. 497, it is merely cited as the production of our Author. As is generally the case, this very important paper is not contained in either of the MSS. of this Continuation, belonging to the Faculty of Advocates. It would have been desirable to have collated so remarkable an Apology with a more perfect transcript, but although a pretty careful search was made among the Miscellaneous MS. Collections in the Advocates' Library, the Editor was not so fortunate as to meet with a perfect copy. No doubt, such must still be extant, and it is not unlikely to be contained in the larger work of the indefatigable Calderwood, in a more perfect form.

estimeris and cauld considereris of the caus, ar gryt befor God, evirie ane on in thair awin rank, and can not schaw his wraithe, quho sufferis none to doe his prophetis wrong unpunischit, but reprovith Kingis for thair saikis, saying, 'Tuich not myne annoyntit, and doe my prophetis no harme,' Ps. cv. 15; but, be lik the sonnes of Jacob, quho sould Joseph to prissoun, and syne sat down to eit and drink, and without repenting in tyme, brought on a plague, as may mak thame, with Jacob's sonnes, to say ane to ane uthir, 'We haiff verielie sinneit againes our brothir, in that we saw the anguisch of his saulle quhen he besought us, and we would not heir him; thairfoir is this trubill cum upon us! And that someikill the mair, if thais guid Britherine be negligentlie, cowardlie, and traterouslie desertit in the work of the Lord, and caus of our Chryst, commoun to all Christiannes, namelie his Ministeris, quho, iff thai suffir with him, sall reigne with him; iff thai denye him, he will also denye thame, Tim. ii. 12. Heirfoir, I haiff thought it expedient and necessar to cleir the caus of the Britherine, (if it be Chrystis Jesus his caus,) I houpe doe mak it manifest, that it is all trew Christiannes may tak pairt thairine, as they would be acknowlegit by him quhen he comes in the glorie of his kingdome; that iff ignorance hinder thame, thai may be instructit; iff negligence or foirgetfulness, thai may be rememberit and steirit up; if remisnes and cauldnes, thai may be prickit and maid zealous; least the caus standing be the cair, wisdom, and power of him quhois it is, thai sall fall with the enimies; for the Heid<sup>1</sup> said, 'He that is not with me is againes me, and he that gatherit not with me scattirith; and quhosoevir is aschamed of me and of my wordis, of him sall the Sonne of man be schamit quhen he sall come in his glorie, and in the glorie of his Father and holy angellis!' Luc. ix. 26.

"Eftir the sillogisme set doune, followis the probatioun thairof, and pairtis of the Apologie:

"Giff the propositionne of this hypothetick sillogisme, I think non will doubt it, but it is true; thairfoir at the present it seimes

<sup>1</sup> Christ Jesus, the great Head of his Church.

to be tain<sup>1</sup> in the probatioune and cleiring of the assumptioun ; and so comes in order the pairtis of the present Appollogie.

"First, Quhat the Word of God teiches thairannent, and iff according thairto thai haiff done.

"2. Quhat ar the lawis of the realme concerneing the same.

"3. The constitutiones and practise of our Kirk since the first Reformatioun thairoff.

"4. and last, The mentionned Confessioun of Faith, and iff the Britherine haiff done rychtly and wysely conforme to the same.

"We then deduce the warrand of the Word of God orderly, in thais Propositiones :

"Thair is no power but from God, Rom. ii.

"The Father annoynting Jesus, his only begottin Sonne, King owir his Kirk, hes givin him all power in hevin and in earth, Psal. xxvi. ; Math. xxviii. 18.

"Chryst hes givin the office, power, and giftis to gather his Kirk, and to governe the same, unto his Appostles, and that for that caus promissit to be with thame and thair successoris unto the end of the world, Math. xxviii. : And not to leive thame orphalling,<sup>2</sup> Joh. xvi. 18 : And as the Father sent him, so sent he thame, Joh. xx. 1 : He breathit on thame, saying, 'Ressaive the Holie Ghost ; quhois sinnes ye remitt thai salbe remittit, and quhois [sinnes] ye retein thai salbe reteined,' *ib.* 23, 22 : He converssit with tham eftir his resurrectione fortie dayes, instructing thame in matteres concerneing the kingdome of hevine, that is, the gouvernement of his Kirk, Acts iii. : And, finally, on the day of Pentecost, he sent on thame the Holy Ghost, that Comforter promiseit, Acts ii.

"The same Chryst, quhen he had be the same Appostles collectit the Kirke and foundit thame, be thame also he gaive the Kirke Pastouris, Doctoris, Elderis, for the co-augmentatioun of the saintis for the worke of the Ministerie, for the edificatioun of his body, till all the elect sould grow up to a perfyt man, in the just measure of the stature of Chryst, Eph. iv. 13 ; Tit. 15 ; 1 Cor. 12.<sup>3</sup>

<sup>1</sup> Taken, comprehended.

<sup>2</sup> Orphans, comfortless.

<sup>3</sup> It may be noted here, once for all, that there is much confusion in the Scripture proofs and references throughout this document, and in many of the other Papers in this Continuation.



“Chryst, not to thir Appostles only, but also to thais Pastouris, Doctouris, and Elderis ordained be thame, he gave the keyes of the kingdome of heavin, and power of binding and lowsing, of reteining and remitting of sines, as said is ; and that be the use and ministerie of the Word, Sacramentis, and Censuris of the Kirk, Math. xvi. 17, 18 ; John xx. 20 ; Acts 20, 28 ; 1 Pet. v. ; 1 Cor. v. 5 ; Math. xvi. 19.

“Chryst, then, the only Lord and King of his Kirk, hes appoyntit his administratoris and officeres of his kingdome, Pastouris, Doctoris, and Elderis, to be occupyit about the Word, Sacramentis, Discipline of maneris, and caire owir the pure, Eph. iv. 12 ; Rom. xii. 17, 18 ; 1 Cor. ix. ; 2 Tim. v. 7 ; Phil. ; 2 Tim. iii.

“Now, all thais Ministeres and Office-beareris in the Kirk of Chryst ressavit from thair Lord and King the office and giftis to dischaarge the same, togider with the expres command and power to execut and doe the same faithfully and dilligentlie ; and that not only severally, but conjunctlie in thair Sessiounes, Presbyteries, and Synodis, as in places quotted, is evident, Eph. iv. ; Math. ; 1 Cor. 3 ; and of the practise thairof, in the xii. of the Actis.

“Namelie, the office and duetie of Pastouris is to superceid for the Presbyterie, ‘Tak heid to themselvis, and to thair flockis owir the quhilk the Holy Ghost hes appoyntit thame Pastouris, Watchmen, and Ovirsieris,’ Acts ii. 28 : And that baith severally, in the particulare functiones of every office, Rom. xii. 7, 8 : And together, in the Sessioun of the Kirk and Presbyterie, Math. v. 22, 17, 18 ; 1 Tim. iv. 14 ; 1 Pet. v. 2 : For the quhilk caus the solemne meittingis and Generall Assemblies of Meittingis of Pastouris of the Kirk is most necessar and profitabill, that thai may thairin tak heid to thame selvis, and order with thame selff, the Kirkis, and Congregatiounes, owir the quhilk Chryst placit thame, in doctrine and maneris, that thai mycht entir in pice and uniformitie, keipeing the unitie of faith by the band of charitie, Acts xx. 28 ; xxi. 23 ; Heb. x. 25.

“The Assemblies, in the legall pollicie of the Kirk, Chryst approvith, Math. v. 22 ; Luc. xxii. 66 ; quhair he makis answer befor

the Presbyterie of the Jewis Kirk, and neither damnes<sup>1</sup> thair Judicature nor declynes the same, it being the lawfull ordinance of God. So did his Appostles, Peter and Johne, Acts iv. ; and Paull, [Acts] xxii. xxiii. 3.

“But in the Chrystiane Kirk, and Pollicie thairroff, he expressly constitutit and ordained the samyn, translaiting that quhilk wes the lawfull ordinance of God, most necessar for the governement of the Kirk, from the Legall to the Evangelicall, Math. xviii. 15, 16, 17, 18, 19, 20; commanding to tell the Kirk, that is, the Assemblies and Meittings of Pastouris and Ruelleris of the Kirk, quhair any Christiane Bretherin can not be amendit be privat admonitiounes; to the quhilk he gives the power of binding and lowsing, quhom he bids expresslie conveyn quhair he promissit, albeit thair number wer niver so small, but ‘tuo or thrie being convenit in his name, that thair he wilbe with thame, evin in the middis of thame.’

“This power the Appostles ressavit and continowit; in the governinge in the Primitive Kirk, Acts i. vi. and xv.; the electioun of Mathias; in chuseing the Deacounes; and in holding the Counsell at Jerusalem; in every city and kirk, Paull and Barnabas ordained the same, Acts xi. 22, and xx. 17; and directit Titus to doe the same, Titus i.; and the calling of Timothe is commandit, by laying on of the handis of the Presbyterie, 1 Tim. iv. 14.

“And it is most evident that the Appostles, obeying the commandimentis, and leining on the promise of Chryst thair King and Minister, as the Heid of the Kirk requyrit, conveynit thameselvis in his name and auctoritie, and electit Mathias in the place of Judas the traitor, Actis i. 12; chusit the seven Decounes to ministrat the tabiles, and tak cair of the powir,<sup>2</sup> Actis vi. 3; relivit the Gentiles convertit be Chryst from the burdein of the Ceremoniall Law, Actis xv.; separat Paul and Barnabas for the workis of the Gospell, Actis xiii.: Lyk as, they most gravely exhortit the Pastouris, and electit and constitut be thame in every Presbyterie, to doe the

<sup>1</sup> Condemns.<sup>2</sup> Poor.

same faithfully and dilligently, so oft as the necessitie of the Kirk requyrit, Actis xx. 28 ; 1 Cor. v.

"It is manifest by the Word of God, &c., but so it is then (to assume) that the nine Britherin's imprissounement, viz., Mr Johne Forbes, Robert Durie, Johne Welch, Mr Andro Duncane, Alexander Strachane, Johne Scharpe, Johne Monro, Charles Ferme, and Johnne Ros, and the rest of the Ministeres that keipit day and place appoyntit for the Generall Assemblie in the moneth of July last, are the weill-knawin and trewely appoyntit Ministeris of Chryst within the Kirk of Scotland, quhilk no member within the same can be so impudent as to deny ; thairfor, thais faithfull Ministeres of Chryst, quho assemblit last at Abirdein, had that warrand and power of Jesus Chryst so to doe, namely at so necessary a tyme quhen Papistis, Atheistis, and licentious men, wer ovirwhelmeing the Pastouris and the pairt of the Kirk of that realme, and so manifest evidence kythit of the ovirthrawing of the haille liberties of the Kirk, and sinceritie of the Gospel ; and sould, thairfor, be the Christian Magistrat, be honourabillly reverenceit nor<sup>1</sup> schamfully punischit.

"II. The second poynt, thair warrand of the Lawis.—Now, as to the second poynt to be provin, annent the Lawis of the realme ; the first of all, in the actis of parliament, is annent the fridome of the Holy Kirk : It is statut and ordainit, that the Holy Kirk joy and bruk, and the Ministeris thairof, thair old priveledges and fridomes ; James I., par. 1, cap. 1. *Item*, in lyk maner, the first act of the second parl. is, in the first, to the honour of God, that the fridome of the Holy Kirk be keipit throught out the realme. The same is augmentit and confirmit be King James II. in his first parl. quhilk is all in print in Actis of Parliament. Siclyk, in the second parl. of King James III., in the first, it is statut and ordaineit, that the priveledges of the Holy Kirk and spirituall persounes be observit,

<sup>1</sup> Rather than be.

&c., confirmit be the sam King James, in the first and fyft parl., in thir wordis, 'That the fridome of the Holy Kirk be keipit in all priviledgis and fridomes;' in the same maner and wordis be King James IV. in the first act of his second parl.; the first act of the parl. of King James V. is, that fridomes and priviledges of the Holy Kirk and spirituall persounes be observit, and keipit in honour and worschippe, &c.

"Then, iff fridomes and priviledgis of the Holie Kirk be statut and ordaineit be law to be keipit with all imunitie, priviledg, and fridome, and this wes knawin evir to be ane of hir speciall priviledgis to conveyin in thair Synodis, surely the Synodis and Conventiounes, as also the Assemblies of the Kirk, may lawfully be the warrand of the actis of parliament; and iff ony will object that this wes grantit to the Papisticall Kirk, this answer is easie and strong far mair to the trew Refformeit Kirk of Chryst Jesus: And, indeid, the godly Provinces following, eftir the manifestatioun of the lyight of the Gospell and Reformatioun of Religioun cleirit and inlairgit the priviledgis and fridomes of the Kirk, and namely to his immortall prais, our present King quho now reignes, (and quho mot<sup>1</sup> happily reigne!) and that not only be the advyce of his four Regentis in his minority, but maist lairgely and particularly eftir the taking of the gouvernement in his awin hand and persoun, and cleirest and fullest eftir his perfytt age of twenty-five yeiris, as the actis following will declair.

"In the parliament holdin be the Erle of Morray, callit commonly, as he wes indeid, 'The Guid Regent,' ratified in his secound parl. haldin be his Majestie's guidshire,<sup>2</sup> of guid memorie, Mathow, Erle of Lenox, in the second act thair of, in thais wordes: '*Item*, our souveraine Lord, with advyse of his said Regent, his thrie estaitis, and body of the present parliament, hes ratified, and by this present act ratifies, all and quhatsumevir actis and statutis maid off befor be our souveraine Lord and his predecessoris, annent the fridome and libertie of the Kirk of God, and Religioun now pub-

<sup>1</sup> May he.

<sup>2</sup> Grandfather by the father's side.

lictlie professit within this realme ;' and namely in that first act of that parl. of King James the Sixth, the 15 of December 1567, anent the lait Patronnes, thais wordis ar in the act, ' It salbe leasume to the Patronnes to appeal to the Superintendent and Ministerie of the Province quhair the beneficiis lyis, and desyre the persoune to be presentit to be admittit ; quhilk iff thai refuse, to appeal to the Generall Assemblie of this realme, be quhom the caus being decydit, sall tak as they decerne ; quhairin the Supreme and highest Judgment of the Kirk may be expressely sein the acknowledgeing and approbatioune of the Generall Assemblie, as the highest Judge in the haill realme in Kirk matteris.'

" The same is ratified in his first act of his Majestie's third parl. holdin eftir the haill gouvernement wes in his awin hand ; also, in the first act of his sixth parl. holdin at Edinbruche, the 20th of October 1579 : ' Our soverain Lord, with advyce and consent of his thrie estaitis, and haill body of this haill parliament, ratifies all and quhatsumevir actis and statutis maid of befor be his Hines, by advyce of his Regent, in his awin reigne or predecessoris, anent the fridome and libertie of the true Kirk of God, and Religioun, as now professit within the realme.' The secound act of the same sixth parl. expresslie for the jurisdictioun of the said Kirk, quhilk is confynit, consistis, and standis in the priching of the Word of Jesus Chryst, correctioun of manneris, and administratioune of the Holy Sacramentis ; and declairis that ' thair is no uthir face of Kirk nor no uthir face of Religioun then is presentlie, by the favour of God, establischt within this realme ; and that thair is no uthir Jurisdictioun Ecclesiasticall acknowlegit within this realme uthir then that is and quhilk salbe within the same Kirk, or that quhilk followis thairfra, concerneing the premisses.'

" So thair is ane Jurisdictioun of the Kirk amplie aneugh distinguishit be the civill pollicie, quhilk of necessitie must haiff meittingis in tyme and place to excercise and execute the same.

" And his seventh parl. at Edinbruche, the 25th of October 1581, in the first act, thair is a generall ratificatioun of the libertie of the true Kirk of God ; and confirmatioune of all the actis and lawis

maid to the effect befor ; and that be particular rehersall and catologie, among the rest, a ratificatioune of the libertie of the true Kirk of God and Religioune, annent the Jurisdictione of the true Kirk, tuyse. And thaireftir the Kingis perfytt age of twenty-one yeiris, at the eleventh parl. at Edinbruche, the 29 of July 1587, thair a full and a cleire ratificatioune of all lawis maid annent the libertie of the Kirk, and all uthiris maid be his progenitouris in his minoritie be his Regentis, or since the acceptatioune of government in his awin persoune. And, finally, that 'Golden Act' of twelfth parl. quhilk cleirlye crownnes and firmelie concludis the caus, viz., the first act of that twelfth parl. of King James VI. holdin at Edinbruche, the 8 of July 1592, intitulat Ratificatioune of the Libertie of the true Kirk, of the Generall and Synodall Assemblies, of Presbyteries, of Discipline ; quhairin, annent our Generall Assemblies, thais ar the wordis : ' And siclyk, ratifies and approvis the Generall Assemblie appoyntit be the said Kirk, and declairis it salbe lawfull to the Kirk and Ministeres, every yeir at leist, and oftir<sup>1</sup> *pro re nata*, that is, as occasioun and necessitie sall requyre, to hold and keipe Generall Assemblies ; that, provyding that the Kingis Majestie or his Commisshouneris with thame, to be appoyntit be his Hines to be present at ilk Generall Assemblie befor the dissolving thairroff, nominat and appoyntit tyme and place quhen and quhair the nixt Generall Assemblie salbe keipit and holdin, as hes bein in use thir tymes bygaine.' Quhair the gentill and benevolent reider hes to mark, that the King and Estaitis takis not upoun thame to give the powir to the Generall Assemblie thair to conveyn, quhilk nethir thai nor the Kirke ever thought it to be in thair handis, but in the handis of Christ Jesus allenirely,<sup>2</sup> the only King off his Kirk, [of] quhom the Kirk of Scotland had it, and according thairto practisedit it thirty-two yeiris befor thir actis of parliament, but only to ratifie and approve it, conforme to thair Christiane duetie by the auctoritie that God hes put in thair handis.

" And becaus the [15]84 yeir myght be alledgit againes the Assemblies and liberties of the Kirk, thairfor this posterior act ex-

<sup>1</sup> Oftener, more frequently.

<sup>2</sup> Solely, alone.

presslie speikis thus : ‘ And becaus thair is diverse actis of parliament tending to the prejudice of the libertie of the true Kirk of God, and Religioun presently professit within this realme, in jurisdictione and libertie thairroff, quhilk standis yit in the buikis of actis of parliament not abrogat nor annullit ; thairfor his Hines and Estaitis foirsaidis hes abrogat and annullit, and be the tennour heiroff, abrogattis and annullis all actis of parliament *respective*, with all and quhatsumevir actis, lawis, and statutis maid at any tyme befor the day and daitt heiroff, againes the libertie of the true Kirk, and jurisdiction, and libertie, and discipline thairroff, as the samen is usit and executit within the realme,’ &c. And declairis, in 129 [act] of parl. haldin at Edinbruche, the 22 of May 1584, sall no ways be prejudiciall nor derogat any thing to the priviledge that God hes givin to the spirituall office-beireris in his Kirk, concerneing the Heidis of Religioune, matteres of Heresie, Excommunicatioune, Collatioune, or Dispositioun<sup>1</sup> of Ministeres, or any siclyk essentiall censuris specially grundit and haivand [warrant?] of the Word of God.

“ Now, it is objectit that the actis may be grantit indeid, bot it contenes ane expres provisioun that the Kirk [King?] and his Commissiouneris, with the Ministeres, sall appoynt the tyme and place : Answer, first, we grant the provisioune, but sic as it is, that is not privatly, or derogative to the lawfullnes of the meittingis ratifieit be the actis with the claus ‘ utherwayis not,’ or sic as the laweris and formalistis usis ; sua that iff the provisioune be not observit, the licences is null, not bot only for the strenth and furtherance of the Assemblie, provyding that his Majestie or his Commis-siouner sall concur as the claus nided,<sup>2</sup> (as they haiff in use to doe thir tymes bypast,) cleirly schawis.

“ Nixt, we answer, we haiff his Majestie’s licence and consent, first, be plain law, as we presently alledge and urge, as his Majestie acknowlegit spak with his awin mouth, and comandit to be sett doun in actis, being present in the Generall Assemblie holdin at Dundie, in the monethe of May 1597, session 7, annent the Arti-

<sup>1</sup> Deposition.

<sup>2</sup> Needed.

cles, and ordaineing that no Conventioun of Pastoris be without his Majestie's consent acknowlegit. His Majestie's consent is declairit to be extendit to all and quhatsumevir, from either Generall Assemblie or speciall, permittit and authorisit be his Majestie's lawis, according as they [have the] warrand of the Word of God, being the maist autentik forme of consent that a king can give : And nixt, be his Majestie's awin presens in the Generall Assemblie holdin at Holirudhous, in November immediatly befor his Majestie's progresse in the South, quhair his Majestie gave his voitt first of all in that Assemblie, that the nixt Assemblie sould be keipit at Aberdein the last Tuysday of July 1604 ; and albeit that appoyntit Assemblie held not, yit it wes prorogat be his Majestie's consent be a Lettre subscrivit with his Majestie's Commissiouner, the Laird of Lawristoun, and Mr Patrik Galloway, last Moderatour, continowit to the first Tuysday of July 1605 ; according to the quhilk appoyntment, the Presbyteries coming on warrand of the Word of God, and lawis foirmentiounit, sent thair Commissiouneris, and keipit day and place : But thai insist and reassoun that that day wes dischairgit be ane uthir Lettre sent to the Presbyterie from the said Commissiouner, not that day, viz., the 2d of July, but the 5th, wes dischairgit ; as the samyn extant among the Presbyteries yitt beiris : Allways,<sup>1</sup> say they, the meineing wes to dischaarge that Assemblie. True, but wes it lawfull and duetifull to the Ministeres of Chryst Jesus, quho hes thair calling, office, and all pairtis thairoff from Chryst allennerly,<sup>2</sup> and mone<sup>3</sup> give answer and accompt thair of to him upoun thair uttirmost, upon an alledgit dischaarge, be ane Article sent from the King dischairging the Generall Assemblie at so necessar a tyme, it being warrandit be so many and invincibill reassounes and warrandis as ar brought furth heirtofor, to desert and leive the same, undir the signe and pre-tence of I watt not quhat obedience to a light Lettre, not of the Kingis, bot of sic a Commissiouner ; and iff thai obeyit the Lettre, quhat warrand could it haive bein to thame, quhen either Chryst or the Chrystiane [Kirk ?] sould haiff callit thame to accompt and

<sup>1</sup> Notwithstanding, nevertheless.<sup>2</sup> Alone, solely.<sup>3</sup> Must.



dischairge so expresslie, at so necessar a tyme, requyrit of thame? Add heirunto, that the Lettre of the Commissiouner and last Moderatour conteinit no certaine day quhairunto the said Assemblie sould be prorogat; so that it is evidently importit a casting lous and deserting, yea, the tyneing<sup>1</sup> of the tittle of the possessioun of our Assemblie, then the quhilk rycht, quhat could be moir dangerous to the fridome and libertie of Chrystis Kirk, at sic a tyme, namely, at the Treatie of the Unioune, quhen all the Estaitis of the realme, and every frieholder, wer zealous and cairfull for thair rychtis and possessiounes? I am suir thair is not ane in Scotland that hes the rycht, title, and possessioun of ane cow-hous or a caill-yaird, that wald so easily haiff skippit from the samyn, or could haiff done les for the keiping of thair possessioun, than thais Ministeres of Jesus Chryst did for the rycht and tytle of his kingdome within Scotland. O fy for schame! that Christiane men, zealous Ministeres, sould lett so lycht and esteim so lyttle of the fridome, and liberty, and possessioun of the Kirk and kingdome of Jesus Chryst, plantit and peacablyly estaibilischit so notabilly, and so longe continowit, within the realme of Scotland; yit they continowit to reassoun againes the lawfullnes of thair proceedingis! Lett it be so, that the day mycht haiff bein keipit, yit thai sould not haive sua usit ane Assemblie, and appoyntit ane tyme for ane uthir, without the consent of the Kingis Majestie's Commissiouner.

“ Namelie, the said Commissiouner, dischairgeing thame baith by a missive Lettre from the Counsel, and Letteris Patentis proclaimed: Ansuer, thair wes no proclaimeing of Lettres: This is a manifest forgit lie and untruth, cleirly knawin; and how soone they wer chairgit thai gaiff obedience, and dissolvit, for eschewing of offence and obedience to man; yea, evin indangering thamselvis ouir far in offence and dissobedience to God, in omitting sua necessar a duetie as said is; and to the Counsellis Lettres it continowit a counsell, quhilk is no command, to desert and leive the Assemblie; ane thing so unlawfull, that iff thai had followit it, thai could not haiff bein answerabill, nethir to Chryst, nor to the King, nor to the

<sup>1</sup> Losing.

Kirk thaireftir, being chairgit thairfoir at ony tyme, for the reassounes befoir alledgit. And farther, quhat the meining of the lawis that the Kingis Commissiouner sould cohonestat, and fortifie, and foorder the Assemblie, the foirnameit Commissiouner, Lawristoun, expresslie and purposelie to hinder that Assemblie, and opounne himself thairunto, so that he wes not Commissiouner to the Assemblie, bot againes the same; and so, all alyk ar worse as iff thai had not bein in the toune; and, thairfoir, be the plain meining off the act, it wes lesume and lawfull to that Assemblie conveinit to nominat tyme and place for the nixt Assemblie. They did nothing, thairfoir, bot that quhilk both off necessitie and duetie it behovit thame to doe, or els betray the caus of Chryst, or losse the fridome and libertie of his Kirk and kingdome peciabilly, and without interruptioun possessit in Scotland thes 42 yeiris bygaine; as we haiff now, in the nixt point of probatioun, to verifie be the continowall custome, and possessioun, and constitution of our Kirk, since the Reformatioun of Religioun within the realme of Scotland.

“ III. And becaus that poynt is evident aneucht, be the Buikes off the Generall Assemblie and sum ancient Fathiris of the Ministerie, quho ar yit on lyff, I find it sufficient to sett it doune in the generall assertioun, that from the yeir of our Lord 1560, the 25 day of December, quhen, with the Parliament of the realme, the Generall Assemblie of the Kirk satt doune at Edinbruche first, for establisching of Religioun, and setling the Reformit estait of the Kirke, unto the yeir 1603, in the begining of Apryle, [quhen] his Majestie pairtit from Scotland to tak possessioun in the kingdome of England, the continowall custome of the Kirk of Scotland approvit and revered the supreme Magistratis and estaitis of the realme, wes to convey in their Generall Assemblie tuyse a yeir, and sume tyme thryce; I say, almost becaus of that grytt eclipses in the yeir 1584 and [15]85, be violent injurie of that tyme, and becaus of the prorogatioun and using of the Assemblie, so by Lettres and proclamatiounes, from tyme to tyme, and place to place,

eftir 1596; yit, in all thais yeiris and Assemblies of our Kirk, the custome wes, that in the end of the Assemblie presentlie keipit, the place and tyme of the nixt Assemblie succceeding wes agriait and determinait upoune; the quhilk wes keipeit without interruptione, upoune the warrand that Jesus hes givin to his Kirk to conveyn, without licence sought or givin be ony Magistrat or Prince, uthir then the commoun and approvin custome befor the lawe, and eftir set down for the ratificatioun thairroff in the parliament befor cited, *anno* 1592. This to be true, since the 1574, above ane hundred persounes of the Ministerie, and ane thousand uthir gentillmen in the land, can weill remember and testifie. Quhat wes befor that, evin since the beginning, lett us heir out of the Admonitioun of the Generall Assemblie conveynit at Edinbruche, in the moneth of Marche 1573, direct in wrytt to the Erle of Mortoun, Regent, and to the Lordis of Counsel and Estait, beiring this narratione:

“ ‘ It is knawin to your Grace, that since the tyme that God blissit the countrie with the Evangel, the hail Kirk most godly appoyntit, and the Parliament be actis authorizit, that tua godly Assemblies of the hail Generall Kirk of the realme souldbe evirilk<sup>1</sup> yeir, alsweill of all memberis of all estaitis as of the Ministeres; the quhilk Assemblie hes bein, since the first ordinance, continowallie keipit in sic sort, that the most nobillest and highest hes joynit thame selvis, be thair awin presens in thais Assemblies, as memberis of ane body; concurring, voiting, and authoriseing all thingis, thair proceedingis, with thair Britherine.’

“ IV. The Fourth and last poynt of the Appollogie wes annent The Kingis Confessioun of Faith, (as it was callit,) notoriously publishit in Latine by Mercurius Gallo-Belgicus, the noble poster of newis athort the world, upon occasioun of a sute maid by the French Kirk, at Loundoun, to his Majestie for the continowing of thair priviledges, at his Hienes’ entry in Londoun; at quhilk tyme his Majestie, assureing thame of his guid affectioun towardis the true

<sup>1</sup> Each, every.

Religioune maid mentioune in the said Confessiounne, as ane undoubtit witnes of the same ; and, thairfor, the said Mercurius setis doune in Latine, as it is also extant in French, Dutch, and all uthir commoune langwedgis in Europe.

“ Qnhilk Confessioun, as they alledgit, did furnisch ane ungainstandabill argument for the lawfullnes of the said Assemblie haldin at Abirdein, closeing the mouth of all guid memberis of the Kirk and subjectis of the realme of Scotland from speiking againes the same, and binding thame be all dewtie and conscience to stand for it, unles thai wald declare thame selves apostatis and perjurit in the sycht of God and the haille world : For quhy it is all veritie that the Kingis Majestie him self, with the haille Ministerie, Counsellouris, Nobilitie, Estaitis, and subjectis of the kingdome, hes solemnely subscryvit and sworne thais wordis following of that Confessiounne :

“ ‘ To the quhilk Faith and Relligiounne we (the trew Reformit Kirk of Scotland immediatlie mentionit befor) joyne our selves willinglie in Doctrine, Faith, Religione, and Discipline, and in the use of the Holy Sacraments, as lyvely memberis of the samyne, in Chryst our Heid ; promising and sweiring, by the great name of our Lord God, that we sall continowe in the obedience of the Doctrine and Discipline of this Kirk, and sall defend the same, according to our vocationne and power, all the dayes of our lyff, undir the paine contained in the law, and danger boith of bodie and saulle in the day of Godis feirfull Judgement.’ And eftir a few lynes it followis :

“ ‘ We, willing to tak away all suspitioune of hypocrisie and doubill-dealling with God and his Kirk, protestis and callis the Searcher of all heartis to wittnes that our heartis and myndis doe fully agrie unto this our Consent, Promise, and Confessiounne, Oath, and Subscriptionne, so that we are not movit with any worldly respect, but are persuadit in our conscience, only throw the knowledge and love of Godis trew Religiounne, printed in our heartis by the Holie Spirit, as we sall answer to him in that day quhen the secretis of all heartis salbe disclosit.’

“ ‘ Now, take heed, I pray yow,’ sayeth the Appollogie-maker, ‘ at quhat tyme wes this Confessioun publiſchit by auctoritie, and commanded to be sworne and ſubſcryvit, and that ſolemnely, eftir his Maieſtie and his haill Houſehold<sup>1</sup> goeing befor, he doeing the ſame ?’<sup>2</sup> It wes evin ſubſcryvit quhen the Kingis Miniſter, Mr Johnne Craige, and his Maieſtie’s Commiſſiouner for the tyme, the Laird of Capringtoun, to the Generall Asſemblie halden at Glasgow, in the moneth of Aprile, in the year 1581, at the quhilk Asſembly the Buik of the Policie and Discipline of the Kirk, ſoe many yeires befor, in ſo many Asſemblies travellit unto, perfytit and cenſurit thairto by the Kingis Maieſtie and Counſell, eftir the Generall Asſembly haldin at Stirling, by directioun of the ſamyn, in the yeir 1575, gratiouſly and weill acceptit, wes approvin, and ordained to be regiſtrat in the Buikis of the Generall Asſembly, *ad perpetuam rei memoriam* ; lykas at the ſame Asſembly, by his Maieſtie’s ſaid Commiſſiouner approving the Discipline concludit in the ſaid Buik of Policie, wes preſented from his Maieſtie a Plat<sup>3</sup> of the Presbyteries throughout the haill realme, craiveing Commiſſiouneris from the ſaid Asſembly to be directit with ſuch as his Maieſtie ſould appoynt for planting of the ſaid Presbyteries in everie Province ; the quhilk wes done : And ſieing that Biſſchoppis wer utterlie abolichit in the Asſembly haldin at Dundie the yeir preceeding, his Maieſtie deſyrit to know how thair place ſould be ſuppleit at Parliament ; as at mair lenth is contened in the Buikis of the Generall Asſembly, and namelie the Register of the ſaid Asſembly at Glasgow.

“ This cleireth ſufficietlie quhat wes then the Discipline of the Kirk of Scotland, nameit and mentiouned in the ſaid Confessioun of Faith ; ſoe that, far from all dout or queſtioun, our Generall Asſemblies wes then moſt florifching and frequent, full of reverence, grace, gravetie, and auctoritie, the fridome and libertie quhairoff wes the cheiff heid and bullwark of all the Discipline of our Kirk ;

<sup>1</sup> Univ. MS. “ Counſel.”  
ſamyn.”

<sup>2</sup> Adv. MSS. “ be guid example had done the  
<sup>3</sup> *Ib.* “ of the place.”

quhilk once to impair or brangle, wes indeid the overthrow of our Kirk and Religioune: And this wes so reverencit, so sworne, and subscrivit, [yea, and publischt in print of new againe, and ordained to be of new sworne and subscrivit,<sup>1</sup>] in a Generall Band in the yeir 1590, befor the obtaining of the ratificatioune in Parliament in the yeir 1592.

"This, then, being the discipline sworne and subscrivit, dar any of the sweieris and subscriveris cum in the contrair thairroff, or dar the faithfull Ministeres of Chryst, for the use and practising of it, unles thai would prove and profess thame selves apostatis, and perjurit, and mensworne? Yea, or can they refuse to obey or defend the samyne, according to thair vocatione and power, all the dayis of thair lyff, sieing it is and standis upoun the danger of boith saull and body in the day of Godis feirfull Judgement, as the foir sett doun tennour of thair aith beires? No, I am assurit that the Kingis Majestie himselff, (quhom God preserve, and mak weill, and long to regne and live,) his honorabill Counsell, and all his guid Chrystiane subjectis, quhen they haiff weyt<sup>2</sup> this matter, and laid it to heart, wilbe waiknit<sup>3</sup> and moveit to remember thair oathe, they will feir and trembill that the gryt name Jehovah, the Lord God, interpounes and beiris witnes in that matter of so high and gryt importance; and, finding his servants to haif done nothing in the contraire, but according thairto, as we haiff sufficientlie schawin in the poynts preceeding, will sie thame honorit and rewardit as faithfull Pastoris of the Kirk, and not revillit and punischit as malefactoris. Off this haill discours also, it is most evident that thais ar far deciveit, quha thinkis we haiff the power and auctoritie of our Assemblies from the King, and his lawis, as the cheiff warrand and grund thairroff; nay, our meittingis in our Assemblies is ane essentiall poynt of the office of the Ministerie of Chryst Jesus, quhilk Ministerie we haiff naither in full nor in the part of any earthelie king, but of him quho is King of kings, Lord of lords; but forsurnameikle

<sup>1</sup> Omitted in Univ. MS.<sup>2</sup> Weighed.<sup>3</sup> Awakened.

as God hes ordained kingis, queenes, and princes, to be nurischeris, manteineris, and defenderis of his Kirk, as the speciall end quhairby they haiff ressavit thair auctoritie and prehemencie, and for quhois saik thai ar boith sett up and cast doune by God : Thairfoir it is, that in all reverent submissioun the Kirk craives the benefit of the mantinence and lawis for the honour of Chryst his anoyntit King, upon his holy montaine, the quhilk iff they duetifully bestow, thai sall not doe it for nought, for the Lord will honour thame quho honouris him ; if uthirwayis, he will caus thame knaw that he maid thame up and can cast thame down againe, and, thairfoir, in all reverence, to seek<sup>1</sup> it ; and, saveing quhatsoever incres the guid Britherin may incur<sup>2</sup> thairby, in all reassoun. Thai haiff evir bein obedient in leving in the duetie warrand<sup>3</sup> and commandit be Chryst, quhilk no man sould or may controvein, and not holding out of the said Assemblie for manadgeing and effectuating the necessare effaires of the Kirk, quhairfoir it wes appoyntit, rather then rebellious and contemptuous againes the King, quhois estimatioun, honor, and obedience, must stand with Chryst and his holy Ministerie of the Kirk, and not againes the same.

“ In end, thus it wes concludit, that sieing it wes sua manifest of the premisses that the Britherin, Commissiouneris of the Presbyteries of the Kirk of Scotland, quhilk Presbyteries, iff thair had bein any fault, sould haiff bein punischit, and not they conveyed at the last Generall Assemblie at Abirdein, had sua evident and strong reassounes and warrantis for thame of the Word of God, lawis and customes of the realme, and constitutiones of the Kirk, since the beginning of that nobill and famous Confessioun of Faith, and that thair wes so just caus of feir of lossing of the libertie of the Generall Assemblie ; for aither there can remaine no doubt in the heart of any good Christiane, bot that they have [done ?] honest, lawfullie, and weill, and if so, they must needs have done wisely allsoe. For it is speciall wisdom even for kingis and princes to serve the Lord even with fear, and to kiss his Sone with humble

<sup>1</sup> Univ. MS. “speik.”<sup>2</sup> Adv. MSS. “receave.”<sup>3</sup> Warranted.

obedience, lest he be angrie, and they perische in the way, quho for inobedience and rebellion his wrath is kindled, Psalm ii. 10, 11, 12. So, what obedience, faith in the Sone of God, blessednes and wisdom to preserve that the treasure of the Gospell of grace and life, to keep that precious pearle which lightens the eyes and quickens the heart, and to stand for the honor of Christ, the King, and the liberties and fridome of his kingdome, and againes all such as seik to beir doune and deface<sup>1</sup> the same, or to usurp and incroch thair-upoun; thair to suffir with him, that thai may regne with him, is grytter wysdome then to conqueis all the prelaceis and kingdomes upon the earth. Iff Chryst, the wysdome of the Father, be to be belivit, sayeth, Quhat availeth it a man to wine the haille world and tyne his saull?—and this wilbe fund. Quhat salbe said to the wyse worldlingis foole, 'This nycht also sall thai tak away thy saulle from thee?' Also, 'I knaw yow not; depairt from me, ye cursit of my Father, unto unquanchabill fyre prepairit for the divill and his angellis!' Quhat availis it for wisdomis commendatione? Will it be then mair to haiff feirit and obeyit man nor<sup>2</sup> God? And that is all the folie, forsuith, that thais wyse<sup>3</sup> Breitherine can be accusit off.

"In end, thairfor, iff thai haiff donne both wyselie and lawfullie, let thair Judges tak heid how thai judge, least condemneing the innocent, yea, the rychteous, thai be abominatione befor God, the great and feirful Judge, let your persewaris be effrayed<sup>4</sup> least they feight not againes God; least he prevaille againes thame, and cutt thame in cullopis!<sup>5</sup> Let thair fellow Britherine be true, just, and honest, and frank with thame in the caus, as they wald be pair-takeris with thame in the kingdome, and least thai heir that dome, 'Tak the unthankfull<sup>6</sup> servant, bind him hand and foot, and cast him in the kingdome<sup>7</sup> of uttir darknes,'—and that wilbe a blacker nes or nest<sup>8</sup> quhairin our guid and honest Britherine now lye! Let

<sup>1</sup> Adv. MSS. "defame." <sup>2</sup> Than. <sup>3</sup> Adv. MSS. "good and faithful." <sup>4</sup> *Ib.* "let persecutors be afraid." <sup>5</sup> *Ib.* "collops," in pieces. <sup>6</sup> *Ib.* "unfaithfull." <sup>7</sup> *Ib.* "dungeon." <sup>8</sup> A play on the Castle of Blackness, where their brethren, the Ministers, were then closely imprisoned.



thame, now, that thus stryk and imprissoun thair fellow servandis, and sitt doun and eit and drink with the drunkine, feir for the cuming of that great Lord to discomfeis judgment, and cutt tham in tuo : Let all Christianes consider quhat Chrystiane compassioun and charitabill duetie craves towardis the afflicted Brethrine, but namlie to Chryst him selff, in his sufferinges, as they would wish to hear that most joyfull call, 'Come, ye blissit of my Father; for quhen I was in prissoun ye visitet me!' Let the guid and faithfull Ministers, presentlie imprissouneit, for thair incorragment and comforte, heir and meditat thais thingis, quhilk He quho hes the sevin starris in his rycht hand, and walkes in the middes of the sevin goldine candilestickis, quho is the First and the Last, quho wes deid, and is now alive for evir moir, amen, and sayis, 'I knaw thy workis, and thy tribulatione, [and patience, and povertie; bot thow art taught,<sup>1</sup> and I know the blasphemie of them quho say they are Jews, and are not, bot are of the synagogue of Satan: Fear not for these things thow art to suffer; behold, it shall come to pass, that the devill shall cast some of yow into prisone that ye may be tryed; and ye shall have tribulatione<sup>2</sup>] ten dayis. Be thow faithfull unto the deathe, and I will give ye the croune of lyff. Come, come [quickly,] Lord Jesus. Amen."

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The thrid day of October wes directit from Perth a lybellit summonds, at the instance of the King's Advocat, againes the prissouneris of Blaknes, and the rest in thair prissounes of Dumbartan, Stirling, and Doune,<sup>3</sup> chairgeing thame personally to compear befor the Lordis of Secreit Counsel at Edinbruche the 24 day of October instant, to heir and sie it be found and declarit that they haiff verie contemptuously and seditiouslie conveynit and assemblit tham selves, and proceidit in thair said actione, the tyme foirsaid;

<sup>1</sup> The authorised version, "rich."

<sup>2</sup> Omitted in Univ. MS. This is another instance of the carelessness with which such transcripts were formerly made.

<sup>3</sup> Adv. MSS. "Dundie."

and, thairfoir, the said Assemblie, and approbatioun thairof, decernit and declairit unlawfull, and so to be reput, holding, and esteimit in all tymes cumeing; and thai to be punischit in thair persones and guidis for thair unlawfull conveyeing, holding, and appoynting of the samyne. In the meantyme, persaifing that it wes spokin plainelie, and evill-takin with, by all the Ministeris, that the Generall Assemblies wer to be uttirly ovirthrowin, and nevir a frie one to be permittit againe, it wes thought meitt that a Generall Assemblie sould be appoyntit and proclaimed be the Kingis Majestie to tak away and remove that offence, and yit to keip his rycht, as thought no Assemblie wer lawfull, or could be keipit without his appointment or ordinance. The day wes appoyntit to be the last Tuysday of July, but in quhat yeir, nevir a word; and sua the Greik Calendis and Englische proclamatioun, in matter and langwedg, givin at Hamptoun Court, and printed at Edinburghe by Robert Charteris:

The Britherine from all their wardes and prissounes, compeiring befor the Counsell at Edinbruche the 24 of October,<sup>1</sup> gaiv in first thair Supplicatioun to the Counsell, as followis :

“THE SUPPLICATIOUN OF THE MINISTERIS, IN WARD, TO THE  
LORDIS OF SECREIT COUNSELL.

“My Lordis off Secreit Counsell, unto your Lordschipsis humblie meines and schawis,<sup>2</sup> We, the Ministeres of the Gospell of Jesus Chryst, quho hes bein callit befor your Lordschipsis, and now imprissouneit by the space of threttein weekis, for conveyeing in our Generall Assemblie, haldin at Aberdein the last Tuysday of July last by past : That forsuaimeikle as we are chairgit, *de novo*, to compeir personallie befor your Lordschipsis at Edinbruche, the 24 of October instant, to heire and sie it found and declairit, that we haiff very contemptuouslie and seditiouslie conveyeit and assemblit

<sup>1</sup> Adv. MSS. erroneously “July.”

<sup>2</sup> Complain and shew.

ourselfis, and proceidit in our actiounes in the said Assemblie ; and, thairfor, the samyn Assemblie, and approbatioun thairoff, decernit and declairit unlawfull ; as in the summondis execut againes us thairannent at mair lenth is conteineit. Quhilk forme of summondis and proceedingis befor your Lordschipis againes us, is altogether prejudiciall to the authorized authoritie of the Kirk of Scotland, and contrair to the laudabill order observit within this realme : Because it is of veritie that, by the Word of God, Discipline of the Kirk of Scotland, actis of Parliament maid in favouris of the samyn, and practeis since the Reformatioun of Religione, that all spirituall matteris anent Doctrine and Discipline hes bein and aught to be cognoscit and judgit by the Kirk allennirle, as the maist competent Judge thairoff, as a matter spirituall : And trew it is, that the lawfullnes, approbatioun, and dissallowance of a Generall Assemblie, and the proceedingis thairoff, is a matter spirituall ; the Generall Assemblie following hes allowit ever, or disallowit, as they haiff found just occasioun or cause, and the Assemblie's proceedingis and thingis done or allowit thairin, as it is evident in the Generall Assemblie holdin at Dundie in the year 1597, quhilk declairit and allowit the preceeding Assemblie holdin at Perth, and proceedingis thairoff, to be lawfull, his Majestie being present at baith : 2. Because it is expresselie sett down in his Majestie's lait proclamatioun annent the Generall Assemblie to be holdin at Dundie the last Tuysday of July, that his Majestie expectit reparatioun of disorderis, that iff thair be any thrie of your Lordschipis sall proceid againes us, for the caus above specifeit, your Lordschipis may give occasioun to confound the Ecclesiasticall and Civill Jurisdictione, quhilk hiddertill hes bein and are by lawis and practeis happelie distinguischit, to the great peice and unitie of this realme, praisit be the name of God thairfor ! And iff we haiff ony wayis transgressit againes any civill lawis, we offir our selvis maist willingly to be judgit and tryit conforme to the order and forme practeisit amongis his Majestie's subjectis within this realme, the dewtie allways, and the transgression of our office, being remittit to the Judge Ordiner. Heirfor we most humbly besek

your Lordschipis maist earnestlie, in the name of Jesus Chryst, quho sall judge quick and deid, to remitt the said caus and tryall thairroff to the said Generall Assemblie, as only Judge competent thairto, and to dimitt us in peice, that we may attend on our callingis : According to all equitie and reassoune, and your Lordschipis answer heirunto we maist earnestlie and humbilly beseik ; and so meikle the mair, becaus we haiff givin unto your Lordschipis diverse Supplicatiounes hereanent of before, and hes ressavit no answer hithirtill as yit."

This Supplicatioune, being givin [in] and read, wes aluttirle<sup>1</sup> rejectit and refuissit ; and the Britherine urgit to answer to the libell, by the Kingis Advocat, his accusar ; and, thairfoir, thai wer constrainit to refuse the Judicatorie,<sup>2</sup> formally, and gaiff in the Declynatore following, undir all thair handis :

#### THE DECLYNATOUR.

" My Lordis of Secreit Counsell, unto your Lordschipis : Pleas your Lordschipis, the approbatioune and allowance of ane Generall Assemblie hes bein and sould be a matter and caus spirituall, and allwayis cognoscit and judgeit by the Kirk, as Judge thairroff competent, within this realme. And sieing we are callit befor your Lordschipis, to heire and sie it to be fund and declairit that we haiff verie seditiously and contemptuouselie convenit and assemblit ourselfis in a Generall Assemblie at Abirdein, &c. ; and, thairfoir, the said Assemblies, and the approbatioune thairrof, to be declarit and decernit unlawfull, as at mair lenth is conteinit in the said summoundis execute againes us thairannent, We, in consideratioune of the premisses, and other reassounes to be givin in by us, hes just caus to declyne your Lordschipis Judgment, as nowayis competent in the caus above specifeit ; and by thais presentis, we doe *simpli-*

<sup>1</sup> Altogether.

<sup>2</sup> Decline the jurisdiction of the Privy Council.

*citer* declyne the same, sieing we are maist willing to submitt our selff to the tryall of the Generall Assemblie, quhilk is only Judge competent, by thir presentis, subscrivit with our handis as followis, the 24 of October 1605.

“ Mr JOHNE FORBES.

Mr CHARLES FERME.<sup>1</sup>

Mr JOHNE WELSCHÉ.

Mr JOHNE MONROE.

Mr ROBERT DURIE.

Mr JAMES IRVING.<sup>2</sup>

Mr ANDREW DUNCANE.

Mr WM. FORBES.

Mr ALEX. STRAUCHANE.

Mr JOHNE ROSSE.

Mr JOHNE SCHARPE.

Mr ROBERT YOUNGSONE.

Mr JAMES GREGG.

Mr NATHAN INGLISHE.”<sup>3</sup>

Nevirtheles of this Declynatoure, the Counsell findis thame selffis Judgis, and urgis thame to answer to the lybell. The Brithérine, undir protestatioune, and adhering allwayis to thair Declynatoure, answeris at lenth by wrytt, proveing the lawfullnes of thair Assemblie, purging thame of all contempt and seditioun, and offirring them to prove the indorsatioune and executioun of the chaarge givin in againes thame be the Kingis Commissiouner, the Laird of Lawristoune. Notwithstanding thair off, the Counsell givis out sentance againes the Assembly, and thame quho wer the holderis thair of, conforme to the summondis, and remittis the prissouneris to thair wairding-places.

In this meintyme, thair wes apprehendit a famous excommunicat, foirfaultit, and perverting Papist, namit Mr Gilbert Broome, Abbot of New Abbay, quho, evir since the Reformatioun of Religioun, had conteinit in ignorance and idolatrie almost the hail South-west pairtis of Scotland, and had bein continowallie occupyit in practisising againes the Religioun. This man, being [bot one night]<sup>4</sup> keipit in Blaknes, fellow-prissouner with the Britherine of the Ministerie, wes transportit to the Castell of Edinbruche, quhair

<sup>1</sup> Fairholme.

<sup>2</sup> Adv. MSS., erroneously, “Garbane.”

<sup>3</sup> Inglis.

<sup>4</sup> Not in Univ. MS.

he wes liberallie intertaind upoun the Kingis expensses, and ane of his speciall freindis licensed to com and goe to him at his plesoure; and, in end, haiffing all his guidis restorit to him, evin his idolatrous relictis, crosses, Agnus Dei, &c., wes set at libertie, and permitted to imbarque and goe to France, not without great suspitioun, and appearing to say messe in Edinbruche, and greatly feared and supported to be reall; for the nicht befor his departoure, boith his messe-clothes and chellis,<sup>1</sup> &c., wes fund and takin by the Bailies. This wes very evill-takin off by all guid men, as seming to be done in despyt of the Ministeris deteinit so long in that foull hous and dungeoun of Blacknes, upon thair own excessive costis and expenssis.

The Parliament of England wes to sitt downe the 9 of November, the year of God 1605; a few dayes befor the quhilk wes detectit ane horribill Conspiracie of Catholick Papistis, quho had undermyndit the Parliament Hous, and had laid in ane hudge quantitie of gunpowder, haiffing ane of thair number, named Gwy Faux, reddilie attending with a sett traine and prepairit lount<sup>2</sup> and match, to haiff blawin all the Hous in the aire, immediatly eftir the King, Quein, Prince, and Nobillis, with the haill Estaitis, had bein conveinit to heir the Kingis oratioune, the first day of the Parliament. The newis of this movit all guid men to think that the King wald haiff left off the persuit of the puire Ministeris in boith the realmes, and requyring thair prayeris and praiseing of God in thair Congregationes, and amongis thair flockis, for so grypt a deliverance: But the effect thair of declairit the contrairie; for not only wes thair no relieving, but a insisting moir eagerlie and fiercelie, boith be pen and tungue, saying, The Papistis wes seiking his lyff, indeid, but the Ministeris wes seiking his Crowne, deirer to him nor his lyff! And so, expresse charge wes sent home to the Counsell, namely, to the Chanceler, Secretar, Advocat, Comptroller, Officeris of the Estaite, to put the Ministeris to ane asyse or jurie upon ane dittay

<sup>1</sup> Chalice, communion cup.

<sup>2</sup> Match of slow fire.

of treassoune, because of the Declynatoure of the quhilk, these foirnamit Counselleris, directit, for feir of inabilityie to effectuat so hard a matter, as to dress a Judge and assyse with all thingis neidfull to gett thame convictit, and brought undir the compas of the law; and, thairfoir, pairtlie for that and pairtlie for the Kingis occupatiounes annent the conspiracie, the matter tuik ane delay till the first moneth of the new year, 1606.

### M.DC.VI.

The first newis we heard, in the new year, wes the comming doune from Court of tuo great Counselleris, to witt, the Erles of Marr and Dumbar. Thair home-comeing was thought to be for great matteris; but all, in end, tendit to put the Ministeres warded in Blacknes to ane assyse, quhilk wes done on the Friday,<sup>1</sup> the tenth of Januar.

The Erle of Dumbar sent for ane of the Ministeres of his best and antient acquaintance, to quhom he regraitit heavilie his employment and present service he wes about; and, thairfoir, requested most earnestlie the said Minister to tak the paines as to goe and deall with the prissouneris of Blacknes, and to sie iff thai wald condiscend, and it wer<sup>2</sup> to never so lycht a confessioun of fault, and coming in the Kingis will thairfoir; and he sould imploy his credit to the uttirmost for pleasing the King and paciefieing him. The Minister, glaid to haive the occasioun to talk with his Britherine, and sie how God wrought with thame, being wairnit that thai were to be put to ane assyse, past to the Blacknes, and all that nycht commouned with the prissouners, and leivit no argument, that he could heir or invent, unusit, to assay thair constancie; but thai stuid firme as a rock, breking and repulseing all the waves that Boreas could blow out of the sea againes thame: And so, eftir thair most comfortabill excercise of the Word and prayer, went to bed; but being on thair morneing sleipe, (haiffing put off muche of the nicht with guid excercise of reassouneing, reiding, and prayer,) thai ar awakened with

<sup>1</sup> Adv. MSS. "Thursday."

<sup>2</sup> If it were.

the sound of a trumpet of the Guard, cum from Linlithgow to convoy the prissouneris befor the Counsell, quhilk the Livetennent of the Guard said wald sitt down befor day-lycht, and thairfoir behoveit to mak haste. Thai made ready, and callit to God, and so come to Linlythgow by the sunne-riseing, and wer brought the hie-way to the Palace, quhair the Counsell wes most full and frequent sitting. The Erle of Lithgow, quho keipit hous in the Palace, and quhois wyf wes ane obstinat Papist, ressavit thame verie courteously, and caussit thame be convoyit into ane chalmer; quhair, eftir guid intertainment, thair assemblit a guid number of the Ministerie from all pairtis, and wer permittit to call to God, and to consult togidder with the prissouneris.

Mr Johne Forbes, Moderator of the Presbyterie of Abirdeine, being Moderator, according to his office, said, "Indeed, thair hes been money sessionnes of Generall Assemblies rarer then this wes." Thair wes a great deiling, by dyverse Counselleres and utheris, usit to break thame, quhy, and in quhat reassoune; but all in vaine.

Thaireftir the Counsell directit expresselie the Lordis of Newbottill, Quhittinghame, Blantyre, the Lord Little Justice,<sup>1</sup> to reassoune with the Ministeres conveynit, that thai mycht bring the Ministeres, prissouneris, to ane submissioun, but in vaine. Then they sent the same again, with diverse utheris, and namely the Advocat, to acquaint us with the proces, and assure us that it wald proceed to thair convictioun; thairfoir, and the said Advocat, with diverse utheris men of law, that professit gryt freindschippe and favoure to the Ministeris, [and possessit the samyne,]<sup>2</sup> sic as Mr Thomas Craig, Mr William Oliphant, were instant<sup>3</sup> with the Breithier to pas from the Declinatour, *pro loco et tempore*; assuring thame that it wald be no wayis prejudiciall to the Kirk, thair caus, or thameselffis, to use it againe quhen they pleassit; and so, iff thai wald pas from the Assemblie and Declinatoure, the Counsell wald pas from all the proces and present persuit, and the prissouneris sould goe frie. This movit many of the Bretherin present, haifing a grytter cair,

<sup>1</sup> The Justice-depute.<sup>2</sup> Adv. MSS.<sup>3</sup> *Id.* "earnest."



and being in a greitter feir for the present, to be put in perrill and danger of thair lyvis nor<sup>1</sup> the prissouneris thameselffis, quho wer most resolvit; and sua we craift a space to consult togider, that the Counsell mycht haiff ane answer.

Thair wes gryt reassouneing to and fro amonges us, and the matter was thought to be of sua gryt importance concerneing the hail Kirk, that it wes hard for thame quho wer thair to jeopard<sup>2</sup> it; and, thairfor, thought it meit to direct of that number certaine to the Counsell to crave a tyme to communicat<sup>3</sup> with the Presbyteries of the Province; and that, efter advyce, resolute answer mycht be givin to the Counsell. So halff ane dussane of the Britherine past to the Counsell, quhilk thai fand sitting verie orderely and magnificly in the Chappell of the Palice; and eftir proponeing of the matter they wer removit, and within a schort space callit in againe, and ressavit a plaine *Nolumus*. The quhilk being repeittit to the Britherine, the Moderator, Mr Johne Forbes, Mr Johne Welsche, with the rest of the prissouneris, with gryt confidence, said, That thai saw that the Lord had callit thame that day to give ane testimonie of the libertie of the kingdome of Jesus Chryst, and to stand to his Croun againes the usurpatioun and the pryde of men: Quhairat thai wer not affrayed, but exceiding glad and courageous; only besought the Britherine to give thame thair advyce that thai hurt not the caus, haiffing no respect to any thing that could befall thame, in compaire of that. The Britherine, sieing thair constancie, courage, and resolutioun, glorified God; and quhill as thai wer confirmeing thame by thair uniforme assent and prayer, it wes schawin thame by the Livetennent of the Guard that the Judge, assistit by the hail Counsell, wes sett in the Tolbuithe, the place of publict judgment of the town, attending the prissouneris presenting.

Thus, the hail Britherine accompanieit the prissouneris to the Judgement-hous, quhair the prissouneris of Blacknes, being callit, enterit within the barr upon the pannell, quhair the Justice Clerk-

<sup>1</sup> Than.<sup>2</sup> Hazard, risk.<sup>3</sup> Univ. MS. "convocat."

deput schew thame that thai wer indyttit thair for treassouu committit againes the Kingis Majestie, and so red thair libellit dittay ; and being inquiryt, Quhat advocat thai wald haiff to speik for thame ? they desyrit Mr Thomas Craig and Mr Williame Oliphant ; quho being callit for, it wes reportit that thai wald not plead for thame : Thairfor, it behovith thame to tak sic as wald, to witt, Mr Thomas Gray, ane old man, weill-willing, but not skillfull, and ane uther young man, quho nevir befor pleadit any caus befor the Justice, yit provit notably weill, as moved by God for that effect ; in whose actione nothing wes missed that the best could have done. This was Mr Thomas Hope, quho conquisit to himself that day the estimatioun both of a guid man and of a guid advocat. Mr Thomas Hammiltoun, the Kingis Advocat, in accusing, kythed <sup>1</sup> gryt sophistrie, craft, and evill-will, schrewdlie convoyit with eloquence, boith in oratioun and actione. The substance of his accusatioun wes concludit in this syllogisme :

“ Quhosoevir, in quhatsoevir caus, declynis the Kingis and Counsellis Judicatur, incurris the guiltines and paine of treassoun : Bot thais upoun the pannall hes treassonabillie declynit the King and Counsellis Judicatorie : *Ergo*, thai haive incurrit the guiltines and paine of treassoun.”

The propositioun he provit by the actis of parliament haldin at Edinbruche in May 1578.<sup>2</sup> To the quhilk it wes answerit : 1. That the mynd of the act wes not to mak all declinatouris guiltie of treassoun ; for it is acknowlegit most lawfull and orderlie done, to declyne the Secreit Counsell in civill matteris or criminall actiounes, as not Judgis competent, and draw thame to the Sessioun, Shereffis, and Justices ; and sua maist lawfull in matteris ecclesiastick, to declyne the same Counsell, and cleave to the Generall Assemblie, and Inferior Synodis and Presbyteries : *2dly*, That act and the hail force thair of wes abrogatt and takin away, and repellit expresselie, by a posterior act in the parliament haldin at Edinbruche in the yeir 1592, in sua far as concernes matteres of heresie, doctrine,

<sup>1</sup> Showed, manifested.

<sup>2</sup> Adv. MSS. “ 1584.”

sacramentis, excommunicatioun, or discipline of the Kirk : Bot sua it is to judge of the lawfullnes or unlawfullnes thair of is a speciall poynt of discipline ; yea, that quhilk keipit Doctrine, Sacramentis, and Discipline, and all in order, and quhilk keipit all uncorruptit. *3dly*, That the act buire the incurring of the paine of treassoun, quhilk paine can never be inflictit unles the fault be fund treassounabill be law ; but so it is that thair is no law defyneing the declynatour of ane incompatiabil Judge to be treassoun. After long reassouning of the Advocatis *ultro citroque*<sup>1</sup> upon this poynt, the Judge gois to ane interlocutor, quhilk wes dumbe and tacit, asking every ane of the Counsell assistingle and secreitlie, in thair ears, thair judgment ;<sup>2</sup> and thaireftir pronunces, by the uniforme consent of the hail Counsell and Lordis thair present assisting him, the propositioun wes fund relevant, and the ansueris maid repellit. At the pronouncing quhair off, the Erle of Marr and two Lordis with him, viz., Halyrudehous and the Collector, Mr Johne Prestoun, answeris him, " Say not all, my Lord ; for thair ar heir that ar not, nor nevir wilbe, of that judgment ! "

So it com to the assumptioun, quhilk the Advocat said was evident be the Declinator, givin in and subscrivit with thair handis, and red ; merkand, that they treassounabill declynit the King and Counsellis Judicature.<sup>3</sup> To the quhilk the pannall maid answer, That thai had not declynit the Kingis Majestie's Judicature, but the Counsellis only ; that thai wer evir, and wald be glaidlie content to be judgit be his Majestie and the Generall Assemblie, or his Majestie, being mor with the Generall Assemblie ; and had evir professit and had offerit thamselvis, lykeas presentlie they offer and professe thamselvis, in their bodies and guidis, and quhat they had, to be in no othir rank or conditioun then any uthir subject ; but, in all humilitie, to be judgit, and submitt thamselves, according to the lawis and commone ordour of the realme ; craifing no immunitie or priviledge, as Papistis doe, only that, according to the Word of

<sup>1</sup> From one side to the other, backwards and forwards.  
ment." Univ. MS.

<sup>2</sup> " In that judgment."  
<sup>3</sup> Adv. MSS. " whilk was declared, that they had declyned the King's Councill Judicature, and the King, treasonable."

God and lawis of the realme, they had distinguischt the civill and ecclesiasticall jurisdiction, and so had evir keipit tham distinct in all quyetnes and guid order: The matteres of the Kirk may be judgit and cognosced by the Kirk in hir Assemblies, the quhilk wes alseweill ratified and confirmit by the lawis of the realme as any uthir Judicatore wes. Nixt, quhairas he assumit treasounabillie, that wes evill logick and sophistrie, assumeing moir nor wes propounded; seeing, neither the propositioun nor alleadgit act for proving thair off conteneit that word "treasonabillie declynis." 3dly, Naither wald he be abill to prove that Declinatoure treasonabill. And, last, the pannell desyrit to mak a declaratioun upon thair owne Declynature, quhilk wes then grantit to thame, evin to dytt the same to the Clarke at thair awin pleasure; lyk as the haill reassouneing, in effect, and proces, wes sett downe and dyttit<sup>1</sup> by the *Advocatis hinc inde*.

Thaireftir the Judge and Syse or Jurie wes callit; againes the quhilk thair wes no exceptioun usit, because they wer all uncertain<sup>2</sup> to the pannell and their advocattis; yit thair wes gryt feir of caus, as they knew thaireftir; for sum of thame wes debosched horneris,<sup>3</sup> as wes the Laird of Craigihall, Chancellour of that Assyse; uthiris knawin Papistis, as Mark Swintoun and<sup>4</sup> Innerkeithing; and sume had suitis at Court, the Lairds of Caridine and Polwart; utheris mein men, easilie conduceit or terrified; but, as it is said, they wer unknowin, and nevir heard off befor they wer presently nominat. Eftir thair oath takine solemnelie, conforme to the order, the Advocate did informe, perswad thame, and terrifie thame very shrewddie, that the Judge had alreadie provine the propositioun of thair accusatioun, that it wes treassoun to declyne the King and Counselis judgment; so, only the second part remainit for thame to judge upoun it and finde, to witt, iff the prissouneris quho wer thair present on the pannellis had declynit, quhilk was ane easie thing to be judgit and decernit, in sa far as thair Declinatoure, undir thair awin

<sup>1</sup> Adv. MSS. "dictat."  
the King's horn. The Adv. MSS. reads "whorers."

<sup>2</sup> *Ib.* "unknown."

<sup>3</sup> Persons denounced at  
<sup>4</sup> *Ib.* "of."

handis, wes thair present befor the Judge ; unto the quhilk they thameselvis stood so, that of all rycht, necessitie, and duetie, thai behovit to fyle<sup>1</sup> thame ; and iff thai did not so, he wald protest againes thame for errour wilfullie committit, and so thair lyff, landis, and guidis, to fall in the Kingis handis.

On the uthir pairt, the Advocat for thais of the pannell dischairgit ane honest duetie, warneing the Assysse, weightilie, to remember the defences usit ; quhilk he resumit schortlie and plainlie, that thai sould judge equitabillie, rychtlie, and trewlie, and not efter alledgit lawis, not onlie repellit and abrogat in that pairt, but also odious, maid in a violent tyme, and not weill groundit ; againes the quhilk, at the verie tyme of thair proclameing at the mercat-crosse of Edinbruche, Mrs Robert Pont and Walter Balcanquall, Ministeris, in name of the haill Kirk, by publict dissassenting, tuike instrumentis and documentis of thair dissassenting, in the handis of Mr George Nicolsoune,<sup>2</sup> nottar-publict, that thai sould feir the great and rychteous God, and his Sonne Jesus Chryst, quho salbe the great Judge of the world ; and, finallie, to remember thair conscience and thair honor and estimatione in the contrie and Kirk of God, in the Ministerie quhair of these Ministeris had servit many yeiris with great approbatione and prais of all. To the quhilk also thais upon the pannell, namelie, Mr Johnne Forbes and Mr Johnne Welsche, to quhom the rest gave the place of speich, spake very powerfully and unveighingly.

Mr Johnne Forbes rememberit thame of the Confessioun of Faith, quhairin the Discipline, Jurisdictione, and haill Order of the Kirk, wes conteinit, quhilk the King, his Councill, and haill Nobilitie, and honourable Estates of the land, had sworne and subscrivit, and by the publict chairge givine to all the Ministeris of the land, hes causit the gentillmen and every parischiner of the parische to sweire and subscribe ; the quhilk also, by Solemne Covenant, the King himself, Estaites, and all rankis of the realme, had received and renewit. "Now," sayis he, "tak heid, that ye, gentillmen, haiffing the re-

<sup>1</sup> Find them guilty.

<sup>2</sup> Adv. MSS. "Mackiesone."

putatioun of guid Christianes, be not notabillie perjurit, in decerneing that it be treassoun againes us, for pleising or feir of any man, quhilk ye haiff sworne and subscrivit to profess, mantein, and defend to your uttirmost!" And, thairwithall, taking the same Confessioun of Faith in print out of his pockett, the oath quhairof is maist feirfullie conceivit, he red the same distinctlie and moveinglie; and thaireftir directit his speich to the Nobillmen and Counselleres thair presentlie sitting in judgement, he gaive thame ane maist grave admonitioun, with horribill threateningis, and appellinge the Erle of Dumbar in particular, abjureis him to report the admonitioun, quhilk, of necessarie urgent duetie, it behoveth him to direct to the Kingis Majestie. So, at great lenth, he recompteit the historie of the Oath and Covenant quhilk Josua and the people maid with the Gibeonitis; the quhilk, becaus that Saul, King of Israel, did brek and violat, longe eftir his death the Lord forgott it not, but plagued the land in the days of David, till the hail sonnes and posteritie of Saull wer takine and hangit up befor the sone, and so he and his alluttirly rootit out. The quhilk, maist pithilie reassouning from les to moir, he applyit to the King; and thairon, directing the admonitioun and threitneing most terribill, maide all the heireris astonischit, and their hairis to stand!

So the Assyse past out of the place of judgment and enterit in ane hous below; quhair they remainit inclosit with the Justice Clarke above sex houris, great contradictioun being betuix the Assyseris; and, in end, be the cleire and earnest reassouning of Johnne Liveingstoun of Dunipace, in favouris of the prissouneris on the pannel, all wer about once to absolve thame: Quhilk being espeyit, thair wes great dealing usit with the Assysseris, in particular, by promises and threatenings; and especially by this argument, that thair wes no harme nor dangeris of death meined againes thais Ministeris, but only that the King behovit to be pleasourit in the matter, and then all sould goe weill. Nevertheles, in end, six of the gentilmen, Assysseris, absolvit *simpliciter*, and the uthir nyne wer induceit to fyle;<sup>1</sup> and so the Chancelloure of the Syse,<sup>2</sup> com-

<sup>1</sup> Find guilty.<sup>2</sup> The foreman of the assize or jury.

peiring in judgement, pronunceit that the Assyse, be moniest voit<sup>1</sup>,<sup>1</sup> did fyle thame. Quhairupon the Laird of Dunipace, as befor he went doun, so then he spak furth plainelie, that he absolvit and clengit<sup>2</sup> thame as cleine, not only of all treassoun, but also honnest Ministeres of Christ, and guid subjectis to the King.

The Judge, continowing the sentence doome to the tyme that his Majestie's will and pleasoure sould be knawin, ordainit the prisouneris, attentit<sup>3</sup> and convict, to be returneit to thair waird and straitlie keipit, that no man sould be admittit to thame.<sup>4</sup> Nivertheless, the Britherine imbracit ane ane-uthir, and thankit God for his present assisting with thame in the haill actioun, and convoying with thame to thair Palice chamber; and as the Britherine of the Ministerie present returnit from the Palice to thair ludgingis, ten houris in the night soundit; and the peiple said, "Certainly this wes a worke of darknes, to mak Chrystis faithfull Ministeres traitouris to the King! God grant he be niver in greater dangeris nor off sic traitouris!"<sup>5</sup>

On the morne, diverse of the Britherine of the Ministerie convoyed them back againe to the Blacknes; quhair, with thanksgivings, prayeris, and many teiris, thai left thame glader and mair confirmit in the caus nor evir befor; rejoyceing greatlie that God, be this actioun, had cleirit the caus to the knowledge and conscience of all men, moir nor off befor, and that he had honorit his servantis with a plaine and constant testimonie givin thairunto.

The Synodis throughout the realme wes, by the Kingis direction, appoyntit all to be conveyit and haldine within the moneth of Februare nixt; quhair answeris wer to be givine in to certaine Articles proponit be his Majestie. They follow, as they wer givin out:—

<sup>1</sup> Majority of votes.

<sup>2</sup> Acquitted; found *clean* or innocent.

<sup>3</sup> Attainted.

<sup>4</sup> Adv. MSS. "have access to speak to them."

<sup>5</sup> Than of such traitors.

ARTICLES TO BE PROPONEIT TO THE SYNODIS OF THE  
PROVINCES FROM THE KINGIS MAJESTIE.

“ That nothing be alterit that wes done in the Generall Assemblies quhairat his Majestie wes present thairin.

“ That Bisschopis sall have full jurisdiction ovr the Ministeris, undir his Majestie.

“ That the Commissionaris of the Generall Assemblie be not alterit.

“ That thair be no appellatioune from thame to the Generall Assemblie.

“ That the King be acknawldgit suprem reuler of the Kirk undir Christ; and that from him the power of Ministeris assembling and spirituall meitingis doe lawfully flow.”

These inflamit a certaine Brother of the Synod of Fyff,<sup>1</sup> being undir Godis scharpe correcting hand, out of the midis of his paines, to wryt to the Synod, conveyit at Couper, as follows :

[MR JAMES MELVILL'S LETTER TO THE SYNOD OF FIFE.]

*Stand fast in the libertie quhairwith Chryst hes maid us frie, and  
be not intanglit againe with the yocke of bondage.<sup>2</sup>*

“ I had niver so great a desyre to be with yow in a Synodall Assemblie, deir Britherine, and wes niver withhaldin with stronger cordis of seiknes, sairnes, and manifald inabilities, to my great and hevie regrait: For quhen I percive my miserabill dayis to consume in vanitie and vexatioune, Alace! said I, sall I not be refreschit in the Assemblies of the Lordis servantis, and in the presens and

<sup>1</sup> The Author here alludes to himself, in his usual modest and unpretending manner. He has not, throughout the course of this Continuation, spoken of himself in the first person; and it is by no means improbable that the fear of future annoyance, to himself or his family, induced him to write with such extreme reserve. <sup>2</sup> Gal. iv. 1.



lycht of his countenance? Sall I not sie thame conveynit, and fencit in the name of Jehovah,<sup>1</sup> (in quhom all the hous of Israell is lettin to knaw, for a suertie, that the Lord hes maid him both Lord and Chryst !) with prayer and invocatioune, with precheing, holie, solid, armed, and grave eloquence of that hevinlie vertue of God, concerneing the rueling of Discipline, Ordering, and Governement of the Kirk ; so cleir in Scripture, and so plaine in storie ; so allowit and lovit of all wrytteris, anchient and moderne ; so profitabill for unities and sincerities againes all sortis of heresies, schismes, and confusiounes in our fourtie-six yeiris experience ; the lyff of our soulis ; the glorie of the Kirk and kingdom ; in sua far as it is the meinis to reteine Jesus Chryst, by the force of his Comforter, to be resident amongis us,<sup>2</sup> the gall of our enemies ; and as uttered so ressavit by all godly approbatiounes and applauses of our affectiounes, studie and zeall, and with your<sup>3</sup> indeavoure to keip and maintaine the same ; yea, even zealous least any jott thairoff sould fall in haulting, and so be turnit out of the way. Quhen I remember so mony guid Britherine, all as one man, mycht be for the Lord,<sup>4</sup> in verities,<sup>5</sup> charitie, wysdome, and moderatioune, cair, feire, fastnes, conscience,<sup>6</sup> [and] guid order, my verie heart brustis for my unthankfullnes, that sould depryve and bereave me of my greitest confort on earth ! But all the wayis of the Lord are mercie and truth to thame that love him, and are in his covenant-mercy in for-giveing of sines, and truth in keiping his faithfull promys of grace : So this my absence, according to the order, excerciseit,<sup>7</sup> is but my dwetie as yit not dischairgit.

" I heir [rumors] of a strange gnaverie<sup>8</sup> of Articles to be presentit from his Majestie to all our present services ;<sup>9</sup> bot verilie, I neither will, nor can I belive it to be true. Quhat ? Is it possibill that a most Chrystiane King, liveing<sup>10</sup> our Kirk and realme in a settlit Religione and Policie, himself and all his subjectis standing fast bund to God

<sup>1</sup> Adv. MSS. " Jesus Christ."

<sup>2</sup> *Ib.* " to be President, present amongst us."

<sup>3</sup> *Ib.* " with open."

<sup>4</sup> *Ib.* reads more properly, " meit before the Lord."

<sup>5</sup> *Ib.* " unities."

<sup>6</sup> *Ib.* " constancie."

<sup>7</sup> *Ib.* " execute."

<sup>8</sup> *Ib.* " rumors."

" Gnaverie" seems here to imply dexterous shifting, from Lat. *gnavus*.

<sup>9</sup> *Ib.*

" Synods." <sup>10</sup> Leaving.

by a most Solemne Covenant, sworne and subscryvit throughout the land, [and after so many promises and protestationes not to be meaned alterationes,<sup>1</sup>] propoune Articles for ranvering<sup>2</sup> and turneing of all upsyd doune? Now, put the cais that sum Commissiouneris will stand up and affirme<sup>3</sup> that thais Articles are from his Majestie, signit with his awin hand, and sett furthe, yit I think that thair is no earnest truth in thame;<sup>4</sup> but sum such wyse and godlie policie, such as wes commended in the Emperour Constant, the father of Constantine the Great, quho, willing to mak a sure proof and tryall of the truth and religioun of his servandis, chairgit thame with plaine Pagannisme, that thai sould professe the samen for thair Religioun, or elis<sup>5</sup> to abandoun his Court, and quyt thame of thair offices; but finding sum redie to foirfault and losse all or<sup>6</sup> they leive thair Religioun, he takis thais for sure servantis and freindis, and reiectis the rest, as sic as could nocht be true to the Emperoure quho wes not true to thair God in thair Religioun. For, thinkis ony man uthirwayis, or that sua wyse and godly a King wald evir propoune to the Synodis of Scotland [thais poyntis of plaine Papistrie, and hes not the pulpits of Scotland,<sup>7</sup>] thais fourtie yearis bygone, soundit as mychtily<sup>8</sup> againes the Pope's supremacie, againes the Jurisdictione of a Pastor above a Pastor, againes tyrannie, usurpatione of the power and libertie of the Kirke, [sould propone plaine poyntis of Papistrie that wes declareing againes all these, and all the pulpitis within the land crying out againes it, as againes<sup>9</sup>] the Antichristianisme errouris; yea, baith pulpitis and scoollis hes bein moir againes that, yea, moir fierce nor againes merit<sup>10</sup>, messes, and purgatorie! Can this be true and earnest deiling? No<sup>11</sup> possibill, unles they think it to be ane draught of Circe's disch to turne us, *Væ ! omnes*, at ane instant from men to swyne, and from preceise Pricheris to renunce our faith at the view off ane Article cam<sup>12</sup> from Court, and becum apostate renegatis.

<sup>1</sup> Omitted in Univ. MS.<sup>2</sup> Overturning. Fr. *renverser*.<sup>3</sup> Adv. MSS.

"assume."

<sup>4</sup> *Ib* "to be therein."<sup>5</sup> Else, otherwise.<sup>6</sup> Ere, before.<sup>7</sup> Omitted in Adv. MSS.<sup>8</sup> *Ib*. "some as it might be"<sup>9</sup> Omitted in

Univ. MS.

<sup>10</sup> Adv. MSS. "maitins."<sup>11</sup> Not.<sup>12</sup> Adv. MSS. "sent."

“Finalie, deir Britherine, if thair salbe fund any thing in the matter of effect, by quhatsumevir maner buskit<sup>1</sup> or borne upe, my judgement is, not to illud<sup>2</sup> it, but to put it aff to a Generall Assemblie, as pertinent only thairto. *Sed principis obsta quam fortissime et diligentissime*: For iff it pas without plaine controlment and gainstanding, it wilbe nixt among the Lordis of Articles in Parliament, to be sett doun for a law and a statut, befor that evir it com to a Generall Assemblie, to advyse and conclud the same; and, thairfoir, give them a plaine *Nolumus, detestamus, execramus, anathematizamus*!

“First, then, I wald we sould doe the duetie of true Pricheris, Watchmen, and Sieris, to speik, wryt, [and] send to mak faithfull warneing and admonitioune, in all humilitie and love dew to them, [in the name of our Chryst to our Chrystiane Kynge: The quhilk being done,<sup>3</sup>] lett every ane prepar himself for giveing our faithfull and constant testimonie, as it sall please God to chape<sup>4</sup> upon him, and call him out thairto, strenthening our selvis in the word and prayer, and in espeying<sup>5</sup> of the working off God with his awin servandis, our deir Britherine, and, verilie, the tryel sall not haif passit all the Tribes of Israell quhen the Sone off Man sall be manifestit in his glorie! Let Herod and Pontius Pilat goe to;<sup>6</sup> let Lacinius and Julian assay thair witis, and doe all that the hand of God and his counsell hes apoyntit for<sup>7</sup> the tryall of his Kirk; only the Lord look on thair threitneingis, and give them strenth, courage, and fridome, and language and spirit to uttir his truth, and stand to the samyn, not only in pannel and prissoune, bot even at the fyre<sup>8</sup> and at the scaffauld, iff it lyk the world to assay the same, [whereat they have been often warned by the patience of the saints.<sup>9</sup>] And, finaly, my deir Britherine, I wald haiff the Assemblie requeisting Mr Andro Melvill to wrytt to the Kingis Majestie fullie and cleirly<sup>10</sup> of these Fyve Articles following:

<sup>1</sup> Decked, dressed out, disguised.

<sup>2</sup> Elude.

<sup>3</sup> Omitted in Adv. MSS.

<sup>4</sup> Chap; literally to knock, as at a door.

<sup>5</sup> Adv. MSS. “Inspyreing.”

<sup>6</sup> *Ib.* “Agree.”

<sup>7</sup> *Ib.* “Concerning.”

<sup>8</sup> *Ib.* “Stack.”

<sup>9</sup> Not in

Univ. MS.

<sup>10</sup> Adv. MSS. “Plainly.”

"First, That the Ministerie<sup>1</sup> of the Gospell is from Christ al-lenerlie, quhair of men (evin that beiris office in the Kirk) ar but witnesses.

"2. That it is ane essentiall pairt of the office of the Ministerie to keip the Assemblies, for taking heid to the doctrine and maneris of thameselves mutuallie, and to thair flockis.

"3. Thridlie, that diverse hunderith yeiris befor thair wes ane Christiane Magistrat, thair wes maist flurischung Churches, quhair wer Pastouris, Doctoris, and Professouris, quho wes at home in thair families, and in utheris pairtis worschipped God togither;<sup>2</sup> and quho keipit many famous, and frequent, and profitabill Assemblies and Counsellis againes the first heretickis to repress thame.

"4. That the space of threttie-two yeires befor any expres and full ratificatioun in parliament, the Generall Assemblies of the Kirk of Scotland were bettir,<sup>3</sup> fuller, and greitter, and of mair auctoritie nor syne.<sup>4</sup>

"5. That the Gospell of peice brought peice and unitie<sup>5</sup> from deddie warris in the Yle off Britane, and hes inriched and broucht foirward the same to the present perfectioun; but, unles it be keipeit in sinceritie, and Jesus Chryst suffrit to reigne friely, all the wittis of the world sall not be abill to keip it in unitie<sup>6</sup> and peice.

"Your Brothir, trewlie,<sup>7</sup>

"J[AMES] M[ELVILL.]"

As soone as this Lettre wes red in the Synod, the Kingis Com-missiouner, Sir David Moray, laity maid Lord of Scoone, desyrit to haiff it, for it behovit to be sent to the Kingis Majestie; lykas, ressaiveing the same, he did post it away with all diligence, liveing the Assemblie bot a coppie thair of undir his subscriptioun.

The fyftein of this samen moneth of February a Proclamatioun wes maid solemnelie, by sound of trumpet, at the mercat-cross of

<sup>1</sup> Adv. MSS. "Matters."

<sup>2</sup> *Ib.* "together in thousands."

<sup>3</sup> *Ib.* "both."

<sup>4</sup> *Ib.* "they have been since."

<sup>5</sup> *Ib.* "veritie."

<sup>6</sup> *Ib.* "veritie."

<sup>7</sup> Univ.

MS. reads "poorely," in allusion to the then feeble state of his health.

Edinbruche, founded upon tuo actis of parliament, maid *in anno* 1584 : One, that none sould speik, in privat nor in publict, againes his Majestie and Counselis proceedingis, undir the paine of death ; and ane uther, that none sould declyne his Majestie's judgement,<sup>1</sup> in any [caise or<sup>2</sup>] caus, undir the paine of treasoure ; commanding, chairging, and inhibiting all and sindrie persounes, his Majestie's subjectis, of quhatsoever degrie, qualitie, estait, or conditione soever they be, that non of thame presume nor tak upoun hand, [privatlie or publictlie, in sermounes, declamatiounes, or privie conferences,<sup>3</sup>] to uttir any sclanderous spiches againes the proceedingis of his Majestie's Counsel and Justice, in trying and punisching of the seditious Ministeres, and onnawayis to meddel with that matter, nor in na uther effairis of his Hienes, his Counsel or estait, bygaine, present, or to come, undir the paine of daith ; with certificatioun efferand :<sup>4</sup> Also commanding all Shereffis, Stewartis, Bailies of Regalities, Proveistis, Bailies and Counsellis within Burghis, Nobillmen, Barrounes, and Gentillmen of power in landwaird, that incais they sould heir from pulpit any meddilling with thais matters, to interrupt thais spiches,<sup>5</sup> tak thame doune from pulpit, and put tham in sure firmance, and to dilat all that in privat or publict sould talk of the Counsellis proceedingis, or meddill with the effairis of estait bygaine, present, or to cume ; undir the paine, that the heirer and not apprehender or dilator of it, iff it be in his power, be punished in the samyne degrie and missure as the principall offendaris.

This wes the effect, utterit in moist terribill termes and maner : so that the proclamator thair of, or<sup>6</sup> he com to the mides of the proclamatioun settillit<sup>7</sup> doune spicheles, and with meikle adoe ane uthir wes enterit into his rowme,<sup>8</sup> the peiple marking and crying out for detestatioun. In the meintyme, the prissouneris wer full of comfort and joye, so that they wreit many lettres to thair Britherine that savourit and smellit mychtilie of that oyle of glaidnes and constancie : In witnes quhair of, [amongis mony, followit on ane of the

<sup>1</sup> Viz. the jurisdiction of the King and Council.    <sup>2</sup> Not in Univ. MS.    <sup>3</sup> Not in Adv. MSS.    <sup>4</sup> Corresponding or belonging thereto.    <sup>5</sup> Adv. MSS. "preachers."    <sup>6</sup> Before, ere.    <sup>7</sup> Adv. MSS. "fell."    <sup>8</sup> Place.

schortest, quhen<sup>1</sup>] the Brothir<sup>2</sup> that wes sent unto thame by the Erle of Dunbar befor thair attenting,<sup>3</sup> had be this same directioun offerit thame pardoun iff thai wald confes ane fault and craiff mercie, and receaved this answer :

“Reverent and deirely belovit Brothir, We haiff bein so fully confortit by your consolatioune and the confort of your love, that we knaw not quhat thanksgiving to randir to God. Surelie<sup>4</sup> our joy hes greittlie abounded since this last day, so that we can not sufficientlie wonder at the riches of his frie grace, that sould haiff vouchsaffit sic a grace<sup>5</sup> upon us as to suffir for his kingdome, in the quhilk thair is joy unspeikabill and glorious ; by the quhilk we ar rather in feir that we be not continowit, and sua we robbit of further consolatioune, nor<sup>6</sup> that quhilk it sould increas ; desyring sumtime to finisch our testimonie, by giving the last of our blood unto the same : For thais afflictiones ar so far from discouraging, that the abundant consolatioune thairof hes encouragit us exceedingly ; desyring now to be maid conformabill to the death off our Lord, that we may be maid pairt-takeris of the glorie to be reveillit. God be thankit, in Chryst Jesus, for all his unspeikabill giftes ! Surelie thair is great consolatioune to suffir for Chryst and his truth, quhairfor we now suffir, is seillit to us with many seiles ; only we would haif the helpe of the prayeres of all the saintis that we faint not in the defence of the Gospell, but that the Lord would assist us in the same.

“It is truth (Brother in Chryst) we dow not<sup>7</sup> expres unto yow the joy that our God hes caussit abound in us, quhairoff, under Him, your love, and fidelitie, and thoughtnes for Chryst and his cause, hes bein a great instrument. Let nevir man, for pitie and love to the persoune, misregard the caus ; for we haiff fund our love growing towards yow by your counsell. Surelie it is our resolatioune nevir to blott the Lord his cause that way ; but as long as the Lord our God sall susteine us, we mynd rather to indure the

<sup>1</sup> Not in Adv. MSS.    <sup>2</sup> Adv. MSS. “that Minister.”    <sup>3</sup> Attainting. Adv. MSS. read “condemning.”    <sup>4</sup> Adv. MSS. “trewly.”    <sup>5</sup> *Ib.* “such ane gift.”  
<sup>6</sup> Than.    <sup>7</sup> Adv. MSS. “cannot.”

greatest extremitie that flesh and blood can doe, rather then to accept, let be to craive, a remissioun. It is Chrystis caus and truth; and, thairfor, let men ceis to think off thais thingis; yea, that quhilk they doe let thame doe it quicklie. We houe our God sall strenthene us to the end. [Surelie we ar not sollicite, neithir cairfull in the mater. We knaw that our God can deliver us if he will, and iff not, he strenthneing us,<sup>1</sup>] we sall nevir give the leist and meinst apeirance of denyall of that truth for the quhilk we suffir. Sua, assure his Lordschippe that, as we look for that kingdome and glorie, our purpose is not at all to yeild, neithir to that nor any uthir thing that may prejudice his caus, in sua far as our God sall give us grace and wisdome to persevere, or strenth to resist. The God off consolatioun be with yqu all for ever mair. Amen."

In the moneth off Appryl, the Counsel, finding thair proceedingis againes the Ministerie wes evill thought off, both within and without the Kingis dominiounes, they publischt in prent a book of the same, intitulat Againes the Ministeres attentit off Treassoun, &c.: For recountring quhairoff, not long eftir com out, in prent, also, ane faithfull report annent thais proceidingis of the Assemblie of the Ministerie at Abirdein on Tuysday the 2 of July 1605; both the quhilk being extant in prent, we referre the reider to thame.

In the moneth of May thaireftir came hame aught Lettres, closit, directit to aught Ministeres, upon the back thus: "This to our trustie and weilbelovit" such a man, "Minister of Godis Word". in sic a place; the tennour quhairof followis:

"JAMES REX.

"Trustie and weilbelovit, We greit yow hairtly weill. Our earnest desyre to entertaine that happie peice of the Kirk of our kingdome of Scotland, quhilk, with gyt cair and travell, we left universallie establischt thairin at our removeing hither, quhilk hes

<sup>1</sup> Not in Adv. MSS.

since from tyme to tyme bein manifestit by our Lettres to the maist pairt of the Synodis of that realme, and to diverse of our Commissioners by Missives and Instructiounes, alsweill verball as wryttine, and mair perfytlie ratiffed by Lettres writtine to our Counsel with our hand, proorting most cleir testimonies of the firme constancie of our love to all weill-effectit memberes of that bodie ; quhilk, by proclamatiounes and imprentit declaratiounes, wes lykewyse solemnely publischt, as the notoritie thairoff could not be unknowin to ony but to sic as throught wilfull senselesnes would nethir heir nor sie : Haiffing, nevirtheles, so lytle prevailit with sume incredulous, wilfull, ingrat, and malicious-disposeit persounes, as sume of thame haiff not foirborne raschlie to contemne and dissobey our auctoritie, and chaarges, and our commandementis, and so stubburnelie to persist in thair contumacie, as thair malicious obstinacie hes forcit us to extend gryter rigour againes thame nor our proclamatiounes, alwayis, yit far les then thair offences did deserve ; and utheris haiff presumeit in pulpit foolischlie to justifie the obstinat and malicious proceedingis of thair Britherine, and thairfoir to sclander our just commandementis and lawfull proceedingis of our Counsel : As also, the Synodis being requyrit by our Lettres and Commissioners directit to thame, to provyd for thair awin pairtis sua far as in them lay, to give us assurance that certaine actis establischt in former Assemblies, necessar for the peice and weil of the Kirk, particularlie expressit in our Instructiounes sent to thame, may be ordainit by thame, not to be proponit, intreitit, or altered at the nixt Generall Assemblie, quhilk we knaw to be moir fitt to be ourpassit, or untwitchit, at the same, then that any mentioun sould be maid of thame thairin, lest thairby occasioun sould ryse of distraction in the Kirk, and offence to our selffis : Yet they so lytle regairdit the earnestnes of our sute, as thair answeres universally tendit to a present delay, without any assurance to us of thair performinge, at the Assemblie, that quhilk for thair awin weil we so earnestlie urgit. Quhairin we finding a more generall oppositioun to our just petitione then could haiff evir bein expectit in any sic caus, thais thingis, and utheris weightie reassounes, hes movit us



heartily to will and command yow, all excuisses set apairt, not to fail with diligence to repaire towardis us befor the fyfteine of September nixt, to the intent we may that day beginne with your selffis and sic uthir of your Britherine as we have knawin to be of guid lairning and experience, and command lykwayis to be heire; at the same tyme to treat with yow of matteres concerneing the peice of our Kirk of Scotland, to mak our constant and unchangeabill favour borne to all the dewtifull memberes of that body, manifestlie knawin to yow, quhairby they may be bund in dewtie and conscience to conforme your selffis to our godly meining, and to beir true witnessing for justifieing the lawfullnes of all our intentiones and actiones, alsweill concerneing the haill Kirk as the particular actiones and memberis thairrof; and that it may be manifest to all the world that we haiff embassèd<sup>1</sup> our selvis for givein satisfactioun to all the professouris thairroff further then uthir Princes doe compt beseimeing to thair estait. If thaireftir sum turbulent spiritis be not thairby recallit to thair duetie, but persist maliciousely in unduetifull contempt of us, it may then be worthely judgit that the severitie, quhilk be thair obstinacie we may be forceit to use, sall rathir be violentlie extorted againes our nature, for thair amendement, then willinglie inflictit for thair ovirthraw. Thus, houepeing ye will not fail precisly to keip the fairsaid day appoyntit, as ye tender our service and the weill of the Kirk, We bid yow fair weill. Att our Mansioun in Greinwitch, the 22d of May 1606."

In the monethe of June, at the day appoyntit for the Parliament for to hald at Edinbruch, when all wes conveynit for keiping of the same, it wes by solemne proclamatioune prorogat to the first of July, to be haldin at Perth. The caus pretendit wes the infectioun of pest in Edinbruche, quhilk wes almost none at all; but the trew caus wes the unmeitnes of the place for the purpose in hand; [viz.,] the setting upe of Bisschopes upon the stage of honour, to ryd in Parliament, and the purchasing of ane taxatioune of

<sup>1</sup> Probably meant for *embarrassed*. Adv. MSS. "straitn d."

four hundreth thousand merkis; boith quhilk wer effectuatit at Perth. Att Edinburgh, then, thais that wer writtine for, to meitt togidder, viz., Mr Andro Melvine, Mr James Melvine, Mr James Balfoure, Mr William Watsoune, Mr William Scot, Mr Johne Carmichaell, Mr Robert Wallace, and Mr Adam Colt. Thai conferrit thair Lettres, and fand thame all one word by word; and calling on God, they advysit quhither they sould goe or find<sup>1</sup> meines to be excuissit. To the last thai all inclynit, becaus they percaiffit no guid to be meinit, nor any profitabill effect to follow; and thairfoir appoyntit sume to speik the Erle of Dumbar; but quhen they had used all moyen and credit, thair wes no remeid but goe they must, or doe worse. The nixt would be a charge to our greater paines and less advantage to the caus; they that stud into the same being blottit with contempt and dissobedience. It wes also schawin us that this wes the advyce<sup>2</sup> of sume of thame that would haif matteres to goe bettir, and procurit againes Bischoppis and Commissiouneris knowledge and will. Thairfoir, as thai loved the weill of the Kirk in commoun, and of the Britherine in prissoune, thai sould not faille to goe; sua they resolvit first to keip the Parliament at Perth, and thaireftir mak for thair journey.

At this Parliament at Perth, the Britherine Commissioneris from all the Presbyteries of all pairtis of the realme wer frequientlie<sup>3</sup> convened; and howbeit the Bischoppis haiffing in suit at the Councill to haiff them dischairgit the Parliament by proclamation, it wes not thought meit that they conveyit ordinally by thamselvis, and callit unto God, and advyseit togidder; and perceveing that the Episcopall purpose wes dressit and determined, thai agrieit all in ane, that a Protestatioune sould be in redines, with a number of Reassounes quhy Bischoppis sould not be sett up at that Parliament. Thais they thought guid and meitt to be offirit first by the Commissiouneris of the Generall Assemblie, quhose duetie it wes ordinarily to deal in the commoun matteris of the Kirk at Parlia-

<sup>1</sup> Adv. MSS. "use."<sup>2</sup> *Ib.* "a devyce."<sup>3</sup> Numerously.

ment, and from no uthir would thai ressaive any thing. The Commissiouneris, quhen they understood that the Lords of the Articles wer about the Episcopall duetie and dignitie, desired to be hard, but wer refusseit. Then thai gaiff in thair Protestatioune in wryt, making mentioun thairin of thair argumentis; but in vaine. All wes repellit,<sup>1</sup> the Chancellour saying that sua thai wer commandit. Thairfoir, it was thought meitt that a coppie thairof, with tuo of the Britherine, sould be directit to every ane of the Estaitis quhair thai continowit; severallie exhorting every ane of them, in the name of God, to wey and consider the same, and stand for the caus of Chryst againes the corruptiounes of such tymes: Quho, quhen togidder, they wer acceptit weill, and promissit frielie;<sup>2</sup> but thair Commissiouneris for the maist pairt wer ane way or other maid for the purpose. Thair restit, then, only a Protestatioune in the oppin Parliament, to be maid the last and most solemne day: Quhilk Mr Andro Melvill, with sume utheris with him, resolvit to doe; quho hardly getting in, how soone he stuid up in oppin sycht he wes espeyit and sent to, and commandit to depairt; quhilk, nevertheless, he did not, till he had maid all that saw and hard him to understand his purpose.

The day befor the Parliament first Ryding, Mr Williame Couper maid ane excellent powerfull sermoune, to the gryt confort and contentment of all the godly, but nethir he nor his colleague, Mr Johne Malcolme, nor none of that sort, wer sufferit to come thair againe; for ane express directioun came from that Court annent thais that sould preiche: So Mr Andro Lambe preichit the nixt day; of quhom the Inglischmen present said, that "The lamb had provin ane old scheipe that daye, and wes of all counted unfitt for sic ane audience." Mr Patrick Galloway preichit on the Sabbath, quho tauld the Bisschoppis and all plainly, that the Kingis mynd wes not to sett upe Bisschoppis boordis in Parliament, to be Lordis over the Kirk, and above thair Britherine, or to have any authoritie in the Government of the Kirk, over or above the

<sup>1</sup> Adv. MSS. "rejectit."

<sup>2</sup> *Ib.* "fairlie."

Britherine; and, thairfor, to prevent such corruptiounes, wes ordainit be his Majestie and the Generall Assemblie, to the quhilk Cautiounes the Bisschoppis had sworne and subscryvit, and sould be esteimit schamefully perjurit<sup>1</sup> iff they contraveinit the same.

Quhairupone the Commissiouneris of the Presbyteries offrit to prooffe befor the Commissiouneris of the Generall Assemblie, (being at thair instant desyre conveyit in the Kirk,) that the Bisschoppes had brokine all the Caveatis, boith in thair entrie to thair Bisschoprickis, and behaviour since thair entering; but the Commissiouneris refusit to be judgit in that matter, referring the same to the Generall Assemblie to be holdine at Dundie the last Tuysday of that instant July: Bot this Assemblie wes dischargit at the ryseing of the Parliament by oppine proclamatioun, and prorogat to ane uthir year. They wer instant, at the last, that the Cautiounes sould be insert in the act of Parliament to be maid in favouris of the Bisschoppes, the quhilk the whole Commissiouneris of the Generall Assemblie thought maist neidfull and necessar;<sup>2</sup> yea, and mony of the Bisschoppis too, becaus it wes so ordainit and aggreit upoun by the King and Generall Assemblie at Montros; and sua ane of the Cautiounes did expressly contain and beir: But notwithstanding that it wes earnestlie sought and urgit by the same reassounes by the same Commissiouneris at the handis of the Lordis of Articles, it could not be grantit.

Mr Johne Spotiswoode, Bisschoppe of Glasgow, againes quhom wes produceit his awin fatheris testimonie in a Generall Assemblie, that a civill functione wes nowayes competent with the office of the Ministerie, maid the exhortatioun in the Parliament House, directing the maist pairt of his speiche againes the estabilischit discipline. Him, thairfor, the Britherine of the Presbyteries conveyit befor the Commissiouneris of the Generall Assemblie, quho, as of befor, refusit to judge him.

The first day of the Ryding in Parliament, betuix the Erles and the Lordis raid the Bisschoppes, all in silk and velvet fuit-mantelles,

<sup>1</sup> Adv. MSS. "shamless perjured persones."

<sup>2</sup> *Ib.* "reasonable."

by paires, tuo and tuo, and Saint Androis, the great Metropolitane, alone by him self, and ane of the Ministeres of no small quantitie,<sup>1</sup> named Arthur Futhey, with his capp at his knie, walkit at his stirrope alongst the streit. But the second day, for not haiffing thair awin place as the Papist Bisschoppis of auld had, unto quhois place and dignitie they wer now restorit fully in judgment,<sup>2</sup> quhilk wes befor the Erles, nixt eftir the Marquesses, thai would not ryde at all, but went to the House of Parliament quyetlie on fuit. This maid the Nobillmen to tak up thair presumeing honour, and detest<sup>3</sup> thame as soone as they had maid thame and sett thame up, perceiving that thair upelyfting<sup>4</sup> wes thair awin douncasting: And this Parliament was effectuatit, indeid, besyde the Kingis autoritie and earnestes, upon compleit and mutuall stipulatioune betwix the Lordis and the Bisschoppis, that the ane sould voit to the confirming<sup>5</sup> of the seventeine new erectiounes of Spirituall Prælacies in Temporall Lordschipes; and the uthir, to the confirmatioune and setting up *in integrum* of the old Papistical Bisschopricks to their Lordschipes: And this wes the first fruites of thais Bisschopricks, the vindicateing, forsuith, of the Kirk from povertie, and drawing the liveing thairof out of the handis of Nobillmen, quho had possessed thame selves thairwith.

The Commissionneris from the Presbyteries also dealt earnestlie with the Commissionneris of the Generall Assemblie to give in the Supplicatioune of the Imprissounit Britherine, and of Mr Robert Bruce, confynit at Innernes; but they refusit so to doe, alledging that it wald rathir hurt nor help thame. Yet, lest the publisching of the Buik of the Counsel sould haiff decived ony, thai sent a coppie of the said Supplicatioune, togider with schort Instructiounes of all the proceedingis of thair caus, unto every ane of the Estaitis severallie, quho said they wer sufficiently confirmit in<sup>6</sup> the truth of thair caus, bot could not helpe thame.

Finallie, thair wes thrie notabill thingis done in that Parliament,

<sup>1</sup> Adv. MSS. read "qualitie," but it seems evident the Author meant this as a pleasantry, in allusion to his great bulk.    <sup>2</sup> *Ib.* "*in integrum.*"    <sup>3</sup> *Ib.* "to cast at."    <sup>4</sup> *Ib.* "upcast."    <sup>5</sup> *Ib.* "establishing."    <sup>6</sup> *Ib.* "informit of."

and such as wes never lookit to haiff bein brought to pas, no not in presens of a King, let be in absence: First, The setting up of Bisschoppes of new in thair haill liveingis, rentes, and priveledgis, conforme to thais of old in tyme of Papistrie: 2. Seventein Kirk Prelacies erectit in Temporall Lordschipsis: 3. Ane Taxatioune upon the realme of four hundred thousand merkis. And this wes called the Rid<sup>1</sup> Parliament, quhilk in old prophecies wes talkit many yeiris agoe, as the commoune speiking wes, then sould be keipit in Perth or Saint Johnestoune, becaus all the Nobillmen and Officeres of estait com ryding thairto, and satt thairin with rid gownes and hoodis, eftir the maner of England, for ane new solemnitie; quhilk many did interpret a toakine of the rid fyre of Godis wraith to be kendelit, boith upone Kirk and countrie; and ane did affix thais Verses:

Quhen Constantine sett up Sylvestir hie,  
On civill state<sup>2</sup> of his impyre of Roome,  
This voyce from heavine then soundit michtilie:  
“Now poyssoune is pourit out on Christendome!”  
Great James of Britanne, quhy didst thow sa,  
That spiritual poyssoune sould thai peiple slay?

FOLLOWIS THE PROTESTATIOUNE, WITH A DETESSORIT<sup>3</sup> OF REAS-  
SOUNES QUHY THIS NEW SORT OF BISSCHOPES SOULD NOT BE  
SETT UP IN SCOTLAND.

“To the Kingis maist excellent Majestie, and maist nobil and religious Estaitis of this present Parliament, holdine at Perth in July 1606. In the moneth of August, seing that thair wes no re-meid but the Britherine written for must goe or doe worse, they did communicat with thair Presbyteries and Sessiounes, quho counsellit thame to obey, but wald give no commissiounne, in cais

<sup>1</sup> Red, scarlet.<sup>2</sup> Adv. MSS. “seat.”<sup>3</sup> *Ib.* “number.”

they had bein urgit to disputatioun, or gieving of opinioun in materis proponed to thame. Thair wes in that number thrie out of the Presbytrie of Saint Androis, Mr Andro Melvin, James Melvin, and Mr Johnne Carmichell, quho, taking leive of thair Presbyterie, maid a Petitioun, and obteneit the samyne ; the whilk, in cais of exceptioun againes it by sum perjurit backslyderes, I will sett the matter down, in the verie forme, word by word, as they had it under the Clerk of the Presbyterie's hand, at the expres command of the same :

*" At Saint Androis, this 7 of August, 1606.*

" The quhilk day, after the incalling<sup>1</sup> of the name of God, Mr Andro Melvine and James Melvine, being to tak jurney toward his Majestie, with Mr Johnne Carmichaell, according to his Majestie's Lettres, desyrit to haiff the extract of all the actis maid or subscriyvit heirtofoir usit in the Presbyterie, annent the Discipline of the Kirk of Scotland, with consent of the haill Britherine in the Presbyterie, [and in speciall, the act of the Presbyterie of the 2 of August, 1604, annent the haill Britherine of the Presbyteries,<sup>2</sup>] subscriptiounes of Confessiounes of Faith, publickly authorisit be his Majestie : Quhilk desyre being fund reassonabill be the Presbyterie, and the special act foirsaid being publictly red in the audience of the haill Presbytrie fully convenit, without any oppositioun of any persoun of the samyn, the Presbyterie ordainit the extract of the foirsaid act, togider with all uthir actis in generall or particular, to be givine to the Britherine foirsaid, auctentickly subscriyvit by the Clark. *Extractum,*" &c.

" MR ROBERT ROCHE,<sup>3</sup> Clerk.

" At command of the said Presbyterie of Sanct Androis."

*" At Sanct Androis, the 2 of August, 1604.*

" The quhilk day, after the incalling on the name of God, the haill Britherine being lawfully convenit, the Confessioun of Faith authorisedit in the Kirk of Scotland wes publictly red in the au-

<sup>1</sup> Invocation.

<sup>2</sup> Omitted in Adv. MSS.

<sup>3</sup> Adv. MSS. "Rollock."

dience of all, togider with the actis of parliament holdine at Edinburgh *anno* 1592, for explanatioune of the present<sup>1</sup> Discipline generally authorisedit in the said Confessioun of Faith, quhilk be the fairsaid actis of parliament ratifiet and confirmit, and namely in the Liberties of the Generall Assemblies, and everie year's Synodall Assemblies, and particulare Presbytries and Sessiounes of the Kirk, were to renew the samyne, dirogating from all actis maid of befor in prejudice of the same; and declareing the present Discipline usit in the Kirk of Scotland, and approvine in the actis fairsaid, to be the only just, godly, and lawfull Discipline in all tymes cumming; as is at maire lenth contened in the actis of parliament fairsaid: Quhilk Actis and Confessioun of Faith, being ryplie advysit and considered, wes publictly subscriyveit with uniforme consent of the haill Britherine, to testifie thair harmonie and hairtly aggriment in all thingis, boith concerneing Doctrine and Discipline; promeising solemnely to defend the samyne allwayis, according to thair callingis, and nevir to com in the contrare, according to the great oath sett doune in the fairsaid Confessioun of Faith. In witnes quhair-off, first the Moderator subscriyvit, then Mr George Glaidstaines, Minister at Sanct Androis, Mr Robert Wilkie, Collector;<sup>2</sup> and so everie man as they satt in thair places, as is contenit in the said principall, subscriyvit particularly with all the Britherine thair handis. *Extractum,*" &c.

(*Sic subscribitur,*) "MR ROBERT ROCHE,<sup>3</sup>

"At command of the Presbyterie."

["I had Mr George Gladstaines' awne hand-write and subscriptione-mannual to the Confessione before my eyes; the writeing heiroyf, in this hand, letter by letter, "MR GEORGE GLADSTANES."<sup>4</sup>]

<sup>1</sup> Adv. MSS. "Presbyterians."

<sup>2</sup> *Ib.* "Rector."

<sup>3</sup> *Ib.* "Rollock."

<sup>4</sup> Not in Univ. MS. In the original MS. there had doubtless been a *fac-simile* of Mr George Gladstaines' signature. The transcriber, however, does not attempt such exactness.



" *Saint Androis, the 10 of Januare, 1605.*

" The quhilk day, eftir the returne of Mr George Glaidstaines<sup>1</sup> out of England, declaired in presens of the haill Britheren of the Presbyterie, that as he depairtit a Brother, so he returnit, usurping no superioritie over thame, but to haiff ane simple vote as the rest ; promiseing to behaiff himself in alse great humilitie and greater then evir befor : And quhairas he depairtit, not advertiseing the Presbyterie, he desyrit that thai sould not be offendit thairwith, becaus the commoditie of jurnay so requirit that he sould not advertise thame. Of the quhilk declaratioun and excuse the Presbyterie acceptit weill. *Extractum,*" &c.

" MR ROBERT ROCHE,<sup>2</sup> Clark,

" At the command of the Presbyterie of Sanct Androis."

This Mr George Glaidstaines, eftir he had desertit two<sup>3</sup> flockis, and two Bischoprickis, and sworne he sould niver be Bisschope of Saint Androis, becaus his predecessoris thairin had so evill success, and wer so evill-haitit, yit evin at this tyme he came home Bisschoppe of Saint Androis : And quhen ony gentilman of his familiaris, and utheris that had hope of his advanceing and gaine by him, wald ask him, Howe he could so jouk<sup>4</sup> and beir with the Ministeres and Presbyterie, that not only wald not acknowledge but controll him? He wes accustomit to answer, "Hold your toungue! We sall steill thame aff thair feit!"

But this by the way, leiveing the man to be painted out in his Legend,<sup>5</sup> as his predecessoris wes, we returne to sett tham, the foirnameit Britherine, on thair jurnay, quhairtoff four embarkit the 15 of August, and come to Londoun the 25 of the same, by Yarmuith, Norwische, Thelfurd,<sup>6</sup> New-markit, Brakum, Bartillay,<sup>7</sup> and

<sup>1</sup> He had, in the meantime, been regularly consecrated Archbishop of St Andrews.

<sup>2</sup> Adv. MSS. "Rollock."

<sup>3</sup> *Ib.* "4."

<sup>4</sup> Condescend, literally to *crouch* or *stoop*; as in the proverbial expression, "jouk and let the jaw gang by."

<sup>5</sup> The satirical Poem, "The Legend of the Bischop of St Androis."

<sup>6</sup> Adv. MSS. "Hereford."

<sup>7</sup> *Ib.* Bambury, Barkway. All the MSS. are often equally unintelligible in the names of these and other places and persons.

Ward. The other four com by land about the end of the same moneth. At thair coming, thai wer kyndly visited by diverse of the guid Britherine of the Ministerie of Londoun, and thairabout : Also the tuo Archbisschoppes of Canterburie and York sent and intreitit thame to com to thair housses ; but thair answer wes, they had not as yit seine the Kingis Majestie, quho sent for thame, and till then thai would salut no uthir. Mr Alexander Hay, the Scotisch Secreatere, com to tham from<sup>1</sup> Westminster, directit from his Majestie, being yit unreturnit from his summer Progress, and schew thame it wes his Majestie's will and pleasoure that we sould stay at Westminster all till the twenty off September ; bot thai, not thinking that a sufficient warrand, directit Mr William Scot to the King, with Mr Allexander Hay, by quhom they ressavit the samyne answer.

The word went, in the meintyme, that the earand quhairfoir they wer sent wes to disput with the Bisschoppes upon the heidis of our Discipline, concerneing the quhilk we ressavit many weill-writtine Lettres from our Britherine out of Scotland ; quhairfoir we resolvit upon the mattir, and sett doune schortly Reassounes quhy nethir we would nor could reassoune : First, because in sua doeing, we sould schaw ourselves unjust, unfaithfull, arrogant, foolish, and impious. Unjust, in doeing sic a wrong to the Kirk of God establischt in Scotland, in this place, to cast in questioune the Discipline thairof : Unfaithfull, in dealing<sup>2</sup> with the effaires of the Kirk without commissioun and warrand thairfra : Foolische, in taking on us sic weightie a cause raschely, without lawfull wairneing and preparatioune : Arrogant, in presumeing suameikle of our selves as off-hand to deall in such a matter, being but a few of the waikest memberes of that body, quhairunto the caus properly perteines<sup>3</sup> : Impious, iff sua we sould tempte God, wanting both calling and meanes.

Nixt, we could haiff no partie adversare to contend withall in the caus of the Kirke of Scotland ; they can nor ought not in this

<sup>1</sup> Adv. MSS. "to us at."

<sup>2</sup> *Ib.* "medleing."

place : For iff ony heir wald dispuitt of the Englisch Kirk, thai may find a partie amongst thameselffis, and neidit not to provoke us ; and if any of Scotland, they can not nor aught not to be hard, sieing thai haiff all subscriyvit of new, lately, by all the memberes, and also teichit, sworne, and professit the Discipline and Governement estabilischit in the Kirk of Scotland. And, indeed, we had with us "The Kingis Confessioun," subscriyvit of new, lately, by all the memberes of the Presbyterie of Saint Androis, and that namely for Mr George Glaidstains' caus, in cais he or uthir quho wer sent for, and did come hither, wald haiff takine in hand the reassouning : Bot the truth wes, we hard nothing at any tyme propounit tending to sic a purpose. The Britherine attentit<sup>1</sup> and lyeing in prissoun did wryt to us mony guid Lettres ; and all to the effect continowit<sup>2</sup> in this following, quhilk salbe sufficient to be put in heir :

" TO THAIR REVERENT AND WELBELOVIT BRITHERINE, MR ANDRO AND JAMES MELVINE, WITH THE REST OF THAIR FELLOW-BRITHERINE THAIR.

"Reverent and deirly belovit Britherine, The earnest care and solitud that we haiff allwayis of yow, altogider, with the assurance quhairin we ar dayly confirmit, that he quho hes sent yow, and evir hithertill hes beine with yow, and keipit yow blameles evin to this verie tyme, and making yow lychtis and lampes to schyne befor the rest of your Britherine, will now also caus yow in this last and maist publict testimonie quhairunto he hes callit yow, be with yow. Thais thingis, I say, will not suffir ws to lett any occasioun of wrytting to yow pas away without sum testimonie of our remembrance of yow, with all the strenth the Lord hes bestowit on us ; not that ye neid to be encouragit, strenthened, and confirmed by us, bot that heirin we doe eas ourselfis, but disburd-

<sup>1</sup> Attainted.

<sup>2</sup> Adv. MSS. "contained."

ning our heartis of that love that we beir unto yow, the faithfull servauntis of the maist hight God, now wailit out<sup>1</sup> and chosine from among all the rest of your Britherine, to beir witnes of Chryst, not only befor Cæsare, but as it wer befor the haill world. For quhois eyis ar not on yow? Quhois heartis ar not attentive, in expecting baith the actioun and the event? Your Britherine at home, the Kirkis abroad, and your enimies baith heir and every quhair! Now is the tyme He hes callit yow to beir witnes of his glorious and frie Monarchie, the quhilk, as it is the last of his offices, so it is the last put at, and as it is the end of the uthir tuo, and sua mair glorious, sua is the testimony thair of mair glorious to God, mair honorabill to his Sone, and salbe mair confortabill to yow nor the testimonie either of his Propheticall [office] or Priesthood. In this respect and consideratioun, ane thing, deir Britherine, we dare say be experience, and our God is witnes that we lie not, that unspeikabill is the joye in the full and frie testimonies of Christis Royall auctoritie; unspeikabill is the joye of the suffering for his kingdome; so that we know not that if a man sould have so much joye in suffering for prophesie or priesthood, as he sall have now, and at this tyme of suffering for his kingdom, because that is now speciallie oppugnit. We haiff nevir had sic joye in preiching of it as we haiff had in suffering for it; for it is so that we ar evin glaid quhen the sufferings ar multiplied, our deirest Britherine, because that we knaw the peice and joye salbe proportionatlie multiplied: And our deir Brither, that quhilk we spak befor in knowlage, we now speik by experience, that the kingdome of God standis in peice and joye. Remember that commissioun givin to Jeremie, 'Speik all that I command yow, and be not affrayit of their face, leist I destroye thee befor thame, and I will mak thee a brazen wall,' &c.: And that in another place, 'Turne not thow unto thame, but let thame turne unto yow:' And that of Micha, 'I am fillit with vertue from the Spirit of the Lord.' *Judicio et potentia*, &c. Chryst sall regne, and all his enimies salbe

<sup>1</sup> Adv. MSS. "marked." *Wailit* signifies carefully picked or selected.

strampit under fitt ; and, indeid, they ar enimies unto him, quho will not suffir for to have him reigning, and to be King, alseweill as to be a Prophet and Priest. But, our deire Britherine, we ar perswadit his grace sall beir yow out with all confidence to witnes a guid confessioun befor your adversaries. He that hes evir bein hither-to with yow will not leive yow now. The greatest confort yow can bring unto us is the regairding of the caus, without respecting of our persounes, or any thing we can suffer for the same, in the fridome of the kingdome of Chryst. Our fridome standis not a jot, Britherine, for us, nor for any libertie or benefit can be brought to us. We will not trubill yow with farder, for we know it is needles. The God of wisdom, peice, and strenth, be with yow all for evir. From Edinbruche Castell, the 3d of September 1606.

“ Your Britherine,

JOHNE WELSCH.

“ JOHNE FORBES,” &c.

This Lettre, with diverse uthiris from thame, wes written boith in generall, from Blacknes, Edinbruche, Stirling, and Dundie ; and in particular, from sundrye of thame, together with a Supplicatioun sent to the Kingis Majestie from thame, earnestlie desyring us to present the same with the Informatiounes sent be thame to the Parliament mentiounit befor, maid us, being meikle movit to admire the gift of constancie givin unto thame by Chryst ; and sua, casting off the cair of thair persounes to haiff respect to the caus only, and yit to tak guid heid that we damned not uthir actiones and proceedingis. The Supplicatioun followis, quhilk wes put in the Kingis hand, as the narratioun following will record :

[SUPPLICATION OF THE IMPRISONED MINISTERS TO THE KING.]

“ Please your sacred Majestie, Giff thair wer no moir, dread Sovereine, but the estait of our desolat families and our awin, for the maist pairt circuit in our wardis without,<sup>1</sup> in the present devouring

<sup>1</sup> Adv. MSS. “ circled in their own wardes, in.”

plague of pestilence, quhilk is sic that we can hardly thinke that iff we were thoughtlie knawin to your Majestie, it could not but oppin the bowelis of your Heines' pitie and compassioun towardis us, quhairinto, nixt to our God, we haiff recourse for releiff: We sould not haiff importunat your Majestie heirin forder, but had keipit silence, and restit in the guid pleasure of our God, quho is merci-full, patiently awaiting for the gracious appoyntit tyme of our de-lyverie, in oppineing your Majestie's cares and heart to haiff hard and reguardit with commiseratioun the distres of your Majestie's pure, innocent, and obedient servantis and subjectis, the servantis of Jesus Chryst, quhom he hes accomptit worthie to be put in his service; haiffing learnit to be contentit, with meiknes and humbilities of mynd, not only to haiff sufferit reproches, povertie, hunger, [and] imprissounement, for his saik, bot also in the power of his grace allenerly, to lay doune our lyfes in defence of the Gospell and Kingdome quhairunto he hes callit us; and for the quhilk, with dewtifull patience, we haif sufferit thais tuelve or threttine monethis<sup>1</sup> imprissounement. But the fearcenes of Godis wraith burneing so highly, not only in uthiris pairtis of your Majestie's kingdome, but also and speciallie in thais places and Congregatiounes amongis quhom, undir your Majestie's protectioun, we haif heirtofoir and now lykwyse sould practeise our Ministerie, quhairby not only the destroyeing angel with his drawin sword is hewing doune day and nicht continowally, and causing the carcasses to fall, and that in sic a number in sume of our Congregatiounes, that the lyk thairof hes not bein hard thais many yeires befoire; but also, quhilk is most lamentabill, and cannot but perce the most staineie heart that evir had hope to find mercie to himself in that great day, that they live and die comfortles under the feirfull judgment, filling the hevin and the earth with thair sighes, sobbis, and cryes of thair distressit sowles, for being depyvit not only of outward comfortis, (quhilk wer great also,) but also of all inward consolatioun, throw the want

<sup>1</sup> Adv. MSS. "weeks."

of the ordinarie meines of thair peace and lyff, to witt, the preaching of the Word of our Ministerie.

"This, Sire, is the speciall caus quhy we wer movit to present be our humbill Supplicatioune unto your Majestie's pitie, not so much our awin miserie outward, quhilk mischief it selff is moir nor the boweles of true compassioun could weill suffer, the quhilk we can glaidlie indure for his saik<sup>1</sup> quho hes sent us, sieing heir we haiff that peace quhilk the world cannot tak from us, and the enjoying of a guid<sup>2</sup> conscience, that in nothing we haiff justlie offendit your Majestie, bot haiff walkit in all sinceritie<sup>3</sup> in our callinges. We say, not so meikle our awin miserie, as the maist lamentabill estaites and desolatioune of our poore Congregatiounes, confortles now baith in body and mynde, that out of your Heines' faithfull love and tender compassioun thair distres may be supplied, and thair sorrowfull heartis comfortit, by permitting to thame the use of our Ministerie againe : Thus sall the God of your Majestie's preservatioune and wonderfull preferment, in dispyt of the manifold attemptis of his irreconcilabill enimies, be glorifieit ; the heartis of the saintes, the best effectit of your Majestie's subjectis, quho now sorowis for the afflictioun of Joseph, salbe comfortit ; thus sall your Heines' poore people, quho live and die in such miserie,<sup>4</sup> blisse the Lord thair God, quho haith put in the Kingis heart to pitie thair cais, to speik nothing of the blissing that sall redounde to your Majestie's persoun and throne according to the Covenant, 'I will blisse thame that blisse thee, and curse thame that curse thee.' Quhairfor sall the guiltines lye on the King and his children, that so many saulis that wer once fed abundantlie with the truth of the Gospel, ar now liveing and dieing in unspeakeabill sorrow and miserie, and in want of that only confort to thair saulis ? Quhy sould thair blood be fund under the Kingis wingis ; and quhy sould the cry of thair blood cum up in the eares of the Lord of Hostes, quhois heart is full of pitie, that he can not but heir the crye of his

<sup>1</sup> Adv. MSS. "the well of his Kirk."

<sup>2</sup> *Ib.* "rejoyceing of our good."

<sup>3</sup> *Ib.* "simplicitie."

<sup>4</sup> *Ib.* "faith and fear."

pure anes, and sua full of love, that he quho tuitches thame tuitches the apple of his eye ; and that he that does the meimest duetie to thame, or the meimest benefit for thame, he cannot but account it done to himselfe ; and quhois severitie is sua great, that howbeit for a tyme he spair,<sup>1</sup> yit at the lenth he will avenge the cryes of his elect ; and if his severitie be sua great, that evin for the meimest omisioune of the dewties, he will inflict eternall torment, quhat, then, will the wraith be that is reserved for the withhauling of the verie meines of the eternall salvatioune from sua many thousand soules ?

“ If it wer but our awin lyfes alenerly, then verilie we could be silent ; but sieing it is sua greit a matter that concernes so highly the honour of your Majestie, the good and eternall salvatioune of many thousand soules quhilk he hes bought with his blood, we dare not, nor dow not, keip silence thairoff to your Majestie ; and, thairfor, forcit and constrainit thairunto be inevitabill necessitie of that most holy calling laid upon us, if we maid not our humbil, yit loveing and faithfull warneing to your Majestie, that neither the former by gone guiltines may be continowit, nor yet uthir greatter may be addit thairto ; the quhilk will not fail (if it be not repentit and pardonit in the blood of Chryst his Sone) to bring on ane manifest, assured, heavie and lamentabill judgment, the quhilk from our heartis (the Lord is our witnes) we deprecat day and nycht ; protesting here, befor God and his elect angelis, that we doe this with all dewtifull reverence unto your Majestie, as the Lordis Lieutennant heir upone earth, and as our only lord and lawfull soveraine, under God, ovir us, in all thingis perteineing to this lyff, and the lyff it self, to quhom we are bund in conscience, and gives all thingis that God in his Word hes ordaineit and commandit to be givin by ony subject to ony Prince under hevin, reserving to God only that quhilk is his, and quhilk he will not give unto any of his creatures, as his awine incommunicable glory and auctoritie, of the quhilk sort we accompt thais tuo to be :

<sup>1</sup> Adv. MSS. “suppose he suffer long.”



"Ane, the authoritie of the Meetingis of the servauntis of Chryst for the effairis of his kingdome, quhilk is from hevin onlie, and not from men; and that in the doing of the ordinarie dewtie of our calling, approven by all lawes, we haiff nothing justly offendit your Majestie, nor violat your Hienes' lawes, bot hes in simplicitie servit our God in the same: Nixt, that Soveraine Judgment in all the effaires of his hous and kingdome belongses only to his Kirk, according to the same Word, [quhais voyce the Father only hes commandit to be heard; and that the ministerial Judgment of the Kirk being only to the Kirk according to the same Word,<sup>1</sup>] to the quhilk alanerly<sup>2</sup> he hes given the keyis of his kingdome, and from the quhilk we doe not exclude your Majestie's Hienes as ane honourabill member of his bodie; quhairunto, by vertue of that supreme power quhilk the Lord hes givine your Majestie, we acknowledge that it belongis to sie the haill worschipe of God directit and administrat according to his Word; in commanding all to be done as he hes commandit, and foirbiding all that he hes foirbidin; no wayis inhibiting that quhilk he hes commandit, nor commanding that quhilk God hes inhibitit to be done; yea, and further, to punische quhosevir within your dominiounes that is fund to be againes the trew and lawfull Judgment of the Kirk, according to the Word, or to be contemneres or neglecteres thairof. And in this holy feir of our God, and humbill reverence of your Majestie, in whom we doe present this our dewtifull Testimonie and Supplicatione for our libertie, togider with our Greives and Supplicationes presentit in Parliamentis, but not ressavit; houpeing that our God, in quhois handis the heartis of Princes ar, sall returne from your Majestie ane answer, confortabill to his saintis and joyfull to our desolat Congregationes, and refreschfull to us poore prissouneris, to the glorie of our God and your Majestie's prais; in quhom, and to quhois mercifull and blissit protection, we maist heartly commend your Majestie, your Hienes' kingdome, gouvernement, and haill effairis.

<sup>1</sup> Not in Adv. MSS.<sup>2</sup> Alone, solely.

From the places of our imprissounment, respectively, the twenty-third of August, 1606.

"Your Majestie's pure and most humble Supplicantis and dayely Oratoris, in God," &c.

Fryday, the 19th of September, we came to Kingstoune. Thair Mr Johnne Gordoune, Dean of Salisberrie, directit to wait upon us, and dres us the best he could for the purpose, came, salutit and welcumit us; and on the morne he convoyit us to Hamptoun Court, quhair, eftir the Kingis dinner, immediatly we gat presens of his Majestie, as yitt sitting at his dinner, admitting us verie graciously to the kis of his handis; and eftir a few wordis, mirrily, to Mr James Balfoure, and concerneing the guid order takin with the pest at Edinbruche, we wer dimissit with a very guid countenance, and went to Kingstoune to dinner with Mr Johnne, our attendar, at his ludgeing.

Eftir noone, walking by the river, the Deane of Westminster, directit to our said attendar, requirit us to be present to-morrow (being the Sabboith) at the Kingis Chappel in Hamptoune Court, to heir the sermone; quhair comming, we fand a place preparit for us hard besyd the Pricher, Bischop Barlo, quhom, befor the King, Quein, and Nobilis, we patiently hard mak a long or well-joyned sermone, writtin, and fynely compactit in a lytle buik, quhilk he had allwayis in his hand, for help of his memorie. It wes upoun the 20 of the Actis, "*Attendite vobis et gregi*," &c.<sup>1</sup> The judicious termed it a confutatioune of the text; all for the estaite of the Bischoppis thair superioritie above Ministeres, by ordinatioune and impositioun of handis only, and proppirly perteineing to thame, and jurisdictione ecclesiasticall, &c. Eftir sermone, we wer convoyit to the Kingis closet,<sup>2</sup> quhair we dynit on the Kingis meitt. The Deane of Westminster, with Mr Johnne Gordoune, attendit and accompanied us. Amongis the rest of our speiches, this wes

<sup>1</sup> "Take heed, therefore, unto yourselves, and to all the flock, over which the Holy Ghost hath made you overseers, to feed the Church of God, which he hath purchased with his own blood," Acts xx. 28.

<sup>2</sup> Adv. MSS. "Queen's closet."

markit and carieit to the King, that our Bisschoppes had compac-  
tit with sacrilegious Lordis to undoe the patrimonie of the Kirk of  
Scotland; so that at this last parliament, quhair the giftis of our  
new Bisschoppis wer confirmit, they sitting and voiting in parlia-  
ment without any commissioun from the Kirk; there were seven-  
teen Prelacies erectit in temporall Lordschippis, and that wes the  
first fruits, forsuith, of their votes in parliament! For this, the King,  
the day eftir, amonges the rest of his speiches, maid appologie for  
himself and the parliament; schawing that wes done, upon condi-  
tiounes of provyding of everie kirk of thais Prelacies with a suffi-  
cient stipend, quhairin he wes and sould be most cairfull, and that  
the parliament had only ratifeit and confirmed that quhilk, being  
his awin, he had dispooned as pleased him.

Mononday, the 22, we wer sent for to conference with his Ma-  
jestie; and being enterit into the Chalmer, the hous was uschit<sup>1</sup>  
by the Erle of Dumbair; and none wes sufferit to byde thairin but  
the Scottis Counsellouris and the Ministeris, save only Dr Mon-  
tagne, Deane of the Kingis Chappel, wes permitted to stand within  
to keipe the doore. Thus, the King, sitting in his chyre, callit on  
us to come neir about him, and enterit to expone the caus quhair-  
foir he had writtin for us, almost according to the tennor of the  
Proclamatione, and of the Lettre sent to us; gathering up all in  
end to tuo poyntis, quhairin he wes to be throucht with us for the  
piece of the Kirk, and annent the pretendit Generall Assemblie,  
(so he termit it,) haldin at Abirdein, and the doeing of thais Mini-  
steres ensewing thairupon. The uthir, how thair mycht ane orderly  
and<sup>2</sup> peiceabill Generall Assemblie keipit, to sett all thingis in  
quietnes and guid ordour. Now, we had agreit amongis our selfis  
that one sould be speich-man for all; quhilk burdein wes laid upoun  
Mr James Melvill, and that we sould give no present answer, bot  
tak all to guid advysement. So, the said speiker maid answer in  
thais wordis:

<sup>1</sup> Cleared, emptied.

<sup>2</sup> Adv. MSS, "He shew further thair might be ane uthir ane."

“ Pleas your most excellent Majestie, quhen we had resavit your Majestie’s Lettres, we mett togider at Edinbruche; and, reiding the same, we wer greatlie rejoyceit to haiff so guid occasiune to sie your Majestie’s face, and kisse your hand, bot meikle more quhen we perceivit the purpose of your Majestie’s Lettres to tend to the intertaining the peace of the Kirk of Scotland in that estait in the quhilk your Majestie left the same, and to testifie your Majestie’s love and affectiune thairto, according to your Majestie’s Lettres from tyme to tyme, sent to sume of the Presbyteries and Synodis, and also to the Commissiouneris of the Kirk, and maist ample to your Majestie’s honourabill Counsel; so that howbeit diverse of us, namely, for seiknes, and knawin inhabilitie, mycht haif excusit our selfis, yit we resolvit all to come to your Majestie, evir with alacritie and diligence, preventing<sup>1</sup> the day appoyntit, least accidentis of wethir, or any uthir impediment, mycht haiff impedit: And now, finding your Majestie in helth, welfair, and high honour, and testifieing the samyne thingis to us by your gracious mouth, with so favourable countenance towardis us, we can not expresse our joye and propens dispositiune to serve and plesoure your Majestie, in quhat can lie in us, under God; but, as concerneing any particular, your Majestie’s Lettres beires none, nethir haiff we befoir to this tyme heard of thame. We wald thairfoir maist humblie desyre your Majestie to give us tyme to advyse, and we sall returne with ane answer, the best way we can.”

Thaireftir was a guid tyme spent in reassouneing annent the Presbyteries sending thair Commissiouneris, eftir the ressaiving of his Majestie’s Commissiouneres Lettres for dischairgeing of the Assemblie at Abirdein: *Item*, annent the doeingis of the Synod of Fyff: *Item*, annent the praying for the convictit Britherine: And, last, annent Mr James Melvill’s Lettres wryttine to the Synod of Fyff. To the quhilk we answerit, aff-hand, at that tyme, this meikle for the Presbyteries: That many of thame had not gottin advertisement, nor ressavit any Lettres befoir the day. Next, that

<sup>1</sup> Anticipating, coming before. Lat. *prevenire*.

sic as had ressavit, considering far greater and weightier reassounes to keipe thame to omitt, resolvit to stand to the day appoyntit by his Majestie ; quhairas the Lettres conteinit no day, the law standing, quhilk is the most auctentick consent, be his Majestie's awin judgment, in oppin Assemblie at Dundie, that a King can give ; the enemies so bussie and malapairte ; so mony references, and appellatiounes, and uthir matteris lyeing ovir, and untakine order with, in gret confusioun and corruptioun, quhilk can not be orderit nor helpit without a Generall Assemblie ; and last, and greatest, the fear of the losseing of the right and possessioun of a Generall Assemblie, expyring in it self, without any appoyntit sett day. And as for the Synod of Fyfe, the judgment thair of wes sent in wryt to many of the rest of the Provinces of the realme, and so no doubt come in his Majestie's handis ; quhilk wes sic, eftir our mein judgment, as nethir could prejudge the Generall Kirk nor his Majestie's Royall power, nor yit the Breitherine quhilk wer under his Majestie's mercie, in ward. And as concerneing prayeris for thame, we confesse we did it, nethir could we omitt that commoun dewtie to thame quhilk we extendit to all, evin malefactoris, for thair amendment ! Finally, annent Mr James Melvill's Lettre, thais wordis wes betuixt the King and him : " I hard, Mr James Melvill, that ye wreitt a Lettre to the Synod of Fyff, at Cowper, quhairin wes meikle of Chryst, but lytle guid of the King. Be God, I trow ye wes reavand<sup>1</sup> or mad ! (for he spak so.) Ye speik utherwayis now. Now, wes that a charitabill judgment of me ? " " Sir," sayis Mr James, with a low courtesie, " I wes boith seik and sair<sup>2</sup> in bodie quhen I wreit that Lettre, bot sober<sup>3</sup> and sound in mynd. I wreit of your Majestie all guid, assureing my self and the Britherine, that thais Articles, quhair off a copy com in my handis, could not be from your Majestie, they wer so strange ; and quhom sould I think, speik, or wryt guid of, if not off your Majestie, quho is the man under Chryst quhom I wisch most guid and honour unto ? " " But quhair ar these Articles ? " sayes the King.

<sup>1</sup> Raving.<sup>2</sup> Sore, pained.<sup>3</sup> Adv. MSS. "suir," sure.

"The coppie of thame that com in my handis is at Londoune, Sir," (quoth he.) So diverse of the Bischoppis and Commissiouneris, to put ane end to that, affirmeing befor the King, that thair wes diverse coppies, and sume very [often] hard of thais Articles, quhair-off ane mycht haiff come to Mr James his handis, that matter wes left off; and the King reassouneing againe the first tuo heidis, dimissit us to the nixt day for advysement and giveing answer thairto.

We wer not well come to our ludging, at Kingstoune, quhen we had a Lettre from Mr Alexander Hay, Secretar to his Majestie in Scotis effairis, wairneing us in the Kingis name to come to sermone to-morrow, in the Kingis Chappel, and thaireftir to dyne in the Palice. So Tuysday, the 23d of September, we came be tyme in the morning to Hamptoune Court, quhair we walkit in the gardein quhill the tyme of sermone; quhair, sitting in our place appoyntit in the Kingis Chappel, the King and the Quein present, with many nobillis, Mr Doctor Butricht<sup>1</sup> preached on the 13 of the Romans, annent the Magistratis auctoritie in matteres Ecclesiasticall, all out of Mr Bilsoune's buikis Of Obedience, quhairinto we assentit, except that quhair, of ignorance or malice, or both, he joynes diverse tymes the Presbyterie with the Pope, as thought the ane had beine joynit in the same judgment with the uthir. Eftir sermone by Mr Johne Gordoune, our attendant, we wer led to the Kingis closet, quhair we saw the Royall ceremonie of tuiching of some diseased childrein for hailling off sume of the escrolles, commonly callit "the Kingis seicknes;"<sup>2</sup> and understood, by the said Mr Johne his discours, in quhat respect and maner the King usit it, to witt, not for hailling, (quhilk wes only in Godis hand,) but for prayer and<sup>3</sup> almes towardis the poore diseasit, and for sume politik reassounes, least omitting the ceremonie usit by the Kingis of France, he sould thairby losse sume of the substance thairof, and title quhilk he had to the kingdome and croune of France; quhilk

<sup>1</sup> Adv. MSS. "Buchridge."  
O. Fr. *escrouelles*.

<sup>2</sup> Scrofula, or King's evil, popularly "the cruels."

<sup>3</sup> This is left blank in Adv. MSS.

respectis had maid the King, quho wes altogider againes it at the beginning, to yeild to the use thair of now.

Thaireftir, we went to diner in the Kingis<sup>1</sup> closet, and maid guid cheir. Eftir the diner, remembering that we wer to be callit *coram*,<sup>2</sup> calling on God, we did tak this resolutioun, that our appoyntit speiker sould only speik, unles that utheris wer commandit and askit by name; and that our speich-man sould declare how we could not judge of the Assemblie at Abirdeine, for the reasounes following: 1. Sicing his Majestie had proclamit a Generall Assemblie, quhairat his Majestie expectit a reparatioun of all disorderis, in sua far as belongit to the Censures of the Kirk; if we sould give our judgmentis now, either in condemning or absolving, we could not be hard then, haveing prejudice, for the quhilk we sould call to mynd a practise usit by his Majestie at the Assemblie at Montrose, quhair the Presbyteries of Louthiane and Mers were hindered for sua doing: 2. *Res non est integra*, but judgit already by the Counsel, quhilk we would be loath<sup>3</sup> to contradict: 3. The judgment thair of could not pertain to us; *Nam quis nos constituit Judices?* 4. Put the cais, we could be Judges, and the matter committit to us, we could not doe it lawfullie; *Indicta causa reis non citatis et auditis*.

This wes our premeditat answer for the first heid of the two proponit by the King: But by quhat counsellour, or on quhat consideratione, I can not tell; the King had takin ane uthir cours, quhilk wes to appel<sup>4</sup> every ane in particular, that heiring<sup>5</sup> every manis forme of speiche and answer, they mycht marke and tak advantage of menis infirmities and formes of behavior for thair purpose. And so admitting that, after menis dyett, diverse of the Counsel of England, to witt, the Bisschoppe of Canterbury, placit at the Kingis rycht hand, the Erle of Salisberrie, Great Secretar, the Erle of Suffolk, Great Chamberlane, and the Erle of Worchester, Maister of the Hous, the Erle of Nottinghame, Great Admirall, the Erle of North-Hamptoun, Lord Knollis, [the Lord Stencrope,<sup>6</sup>] with diverse utheris Nobillis, and with thrie or four Bisschoppis and

<sup>1</sup> Adv. MSS. "Queen's."  
not thus." <sup>4</sup> *Ib.* "pose."

<sup>2</sup> Into the King's presence.

<sup>5</sup> *Ib.* "whilk weightied."

<sup>3</sup> Adv. MSS. "could  
<sup>6</sup> Omitted in Univ. MS.

Deanes, standing in diverse duris behind the tapestrie, quho, comeing in now and then, discoverit thame selffis: Hither also the Prince wes brought, standing at his fatheris left hand, with all the Scottis Nobillis and Counselloris. The King, efter reassouneing of the poynt left at the last day, com in end to be resolvit of this questioune particularly, Quhither the Assembly last haldin at Abirdeine wes ane lawfull Generall Assembly or not?—and the proceidings of thais Bretherine thairat and eftir, and quhether thais [were] justifiabill, yea or no? “And,” (sayis he,) “I will beginne at yow Bisschoppis and Commissiouneres.” Thais wer Ministers, Mr George Glaidstanes, Mr John Spotiswood, Mr James Law, Mr Andro Lamb, now Bisschoppis; Mr George Nicolsoune, Mr Patrik Scharpe, Mr Robert Howie, and the Great Commissiouner Lawristoune; quho all answerit, “They had evir damnit<sup>1</sup> that Assembly and the proceidings of thais Brithrine as unlawfull.”

And sua it com to us: “Now, Siris,” sayis the King, “Quhat say ye, and first Mr Andro Melvill?” Quho, with meikle low courtesie, talkit all his mynd in his awin maner, roundly, soundly, fully, friely, and fervently, almaist the space of ane hour, not omitting any poynt he could remember. In end, in effect he refusit to judge of that Assemblie; for the reassounes afoir sett downe.

Mr James Balfour followis at the Kingis calling, regraiting hevily, uncharitabill and fals delatiounes maid of him, in end answerit him to the samyn effect; and that utherwayis he could not sie how the peace of the Kirk could be settillit.

The King spendit meikle tyme with thais tuo; and, smelling how the matter went, semit wery, and callit on Mr James Melvill; quho answerit and said, “Sir, I will not weary your Majestie, quhairfoir pleis yow ressave my answer schort. Thair hes bein meikle tyme spent about the questioune: Iff it be *in thesi*, sett it doun in wrytt, and we sall answer as we can: Iff it be *in hypothesi*, your Majestie’s demand is anent the Presbyteries, senderis, and the doeingis of thair Commissiouneres sent. Anent the senderis, I did schaw

<sup>1</sup> Adv. MSS. “esteemed.”



your Majestie their reasounes yisterday; and iff your Majestie judge a fault thairin, let the Presbyteries that sent the Commis-siouneris be punischt, and not the Britherine that wer sent be thame. Anent thair doeingis, it is judgit alreadie by your Majes-tie and Counsell; quhairin I am resolvit, with the pannell, to witt, to obtemperat either by obedience or patience. Iff your Majestie pleas to judge it further be ane Generall Assemblie of the Kirk, quhilk is all our wisches, I can not prejudge that; and iff, in the mein tyme, your Majestie will urge me for my judgment of the matter according to my conscience, unles that alledgit wronge done unto thame, and givin in by wrytt to your Majestie's Estaitis in Parliament, last haldin at Perth, be considerit discussit and rychtly judgit, I wald not for all the world condemne thame; ane coppie of the quhilk wrangis we are earnestlie desyrit by thame to present to your Majestie." And this said, he stoppit to,<sup>1</sup> and de-lyverit thame in the Kingis handis; the substance quhairoff is sett down in the storie befor. The King red thame all ovir quhill as the rest wer sporting,<sup>2</sup> and with ane angry smyle, said, he wes glaid thai wer givin in.

Mr Robert Wallace followed, regraiting also sume delatiounes; and gaiff his judgment according to the preceeding: So did Mr Wil-liame Wattsoun, speiking scharpely againes the Commis-siouner, Lauristoun, and laying the burdein of all upoun him; quho nevir replyit ane word.

Mr Williame Scott followit, and declairit his judgment solidlie in few wordis, and conforme to thame befor: With quhom to deall, the Advocat craift licence of the King; and thair wes ane prettie peice of logicall and legall reasouneing, quhilk delighted and moved the judicious audiens.

Mr John Carmichaell and Mr Adame Colt wer commandit to be schort, and to speike thair mynd conforme to the rest, all most re-verently on kneis, but thairwith most friely, statly,<sup>3</sup> and plainely, to the admiratioun of the English auditorie, quho wer not accus-tomit to heir the King so talkit to and reassounit with.

<sup>1</sup> Stept up.<sup>2</sup> Adv. MSS. "speaking."<sup>3</sup> Ib. "stoutlie."

In the end, Mr Andro Melvill, craiffing licence, on his knees, humbly to speik bak again, spake out in his awin maner, and friely and plainly affirmit the innocence of thais guid, faithfull, and honest Britherin, and in all thair proceedings at Abirdein; and thairfoir he recomptit the wrongis done unto thame at Linlithgow, as ane that wes present as an eye and ear wittnes; and taking him in direct termes to the Advocat, Mr Thomas Hammiltoun, he invyit<sup>1</sup> scharpely againes him, telling him planely and pathetically, of his favouring and spaireing the Papistis, and craftie, cruell, and malicious dealing againes the Ministeres of Jesus Chryst; so that he could have done no moir againes the saintis<sup>2</sup> of God then he had at Linlithgow! At the quhilk wordis the King luiking to the Archbischoppes, sayis, "Quhat? Me thinkis he makis him the Anti-chryst!" And, suddentlie, again with ane oath, [exclaims,] "Be God! It is the divelis name in the Revelatioun! He hes maid the divel of him, wel-belovit Bretherine, brother Johne!" And so, cuttitylly ryseing, and turneing his back, he sayes, "God be with yow, Siris!"

Quhen we wer gone out of the Palice a lytle way towardis Kingstoun, Mr Alexander Hay sendis back for us, and withall, in the Uttir Court, reidis to us a chairge from the King not to returne to Scotland, nor to com neire the King, Quein, nor Prince their Courtis, without a speciall calling for, and licence.

Wednesday, the 24 of September, about twelve houris of the day, a yong man come from Mr Alexander Hay with a ticket, desyring us all, in his Majestie's name, with all convenient speid, to come to Court; and first to the said Mr Alexander Hayis chalmer, as the beirer would schaw the way. The ticket wes directit on the back to Mr James Melvill, in speciall. Quhen we wer com neir, and at the place desyrit, Mr Alexander his chalmer, [he] shew us, and the said Mr James in speciall, that he wes directit be his Majestie to desyre him to subscrivye the sched<sup>3</sup> of paper givin in be

<sup>1</sup> Adv. MSS. "inveighed."<sup>2</sup> *Ib.* "servants."<sup>3</sup> *Ib.* "sheet."

him yisterday to his Majestie : Quho answerit, "Lett me sie it, and wryt the answer thairon, quhilk I maid to his Majestie yisterday, concerneing the caus and maner how I delyverit it, and I wald glaidly subscribe the same ;" provyding that the said Mr Alexander wald give him selff thairefter a coppie, all subscriyvit with his hand. So he gave him in the Instructiounes to perveise<sup>1</sup> the coppie. Quhilk being done, the said Mr James wret the answer and maner of delivery of them in the Kingis hand, as is above sett down, and subscriyvit the same. This being done, the said Mr Alexander schew that he wes desyrit also by the Kingis Majestie to aske him of quhom he had thais Instructiounes, and quhen he gatt thame ? He answerit, "In a packet from Scotland, delyvered to him since he came from thence to Londoun, be quhom truely he could not remember, (neither could he indeid,) for that the beirer was unknowin to him, and passit away suddently, and to delait any man to the Kingis Majestie uncertainenlie he could not." With the quhilk answer he passit from us to the King.

In halff ane heure eftir com to us the Erle off Glencairne, with Mr Johne Gordoun, Dean of Salisbury, schewing us that thai wer sent from the Kingis Majestie to desyre of us ane answer in wryt, subscriyvit be our handis, to this questione, "QUHAT THE KING MAY DOE IN MATTERES ECCLESIASTICALL ? AND QUHITHER OR NO HE HAD THE WHOLE POWER OF CONVEINEING OF ASSEMBLIES OR DISCHARGEING THAME ? We answerit, that "Iff it would pleas his Majestie, or thame in his Majestie's name, to sett down the questioun in wrytt, and subscriyve it as from his Majestie, we sould glaidly also sett the answer down and subscriyve the answer ; granting to us sufficient tyme of advysement for the samyne, becaus the matter wes of great importance." But, efter a peice of reassouneing, they depairtit,<sup>2</sup> and returned back to the King without ane answer. Not long eftir thair goeing from us, Mr Alexander Hay come again, schawing Mr James Melvill that the King had red his answer, and wischit him to be moir laconike ; desyring him further,

<sup>1</sup> Collate, compare with.

<sup>2</sup> Adv. MSS. "left us."

iff it pleasit him, for thair was no danger of intercommoning, nethir carit the King meikle for the matter, to tell him from quhom he had his Instructiounes at Londoun. He answerit, that off conscience he wes nocht well rememberit, nor wes not acquaintit with the man that delyverit thame; and to put any manis name in the Kingis hand upon conjecture he would not. So Mr Alexander, schewing us that the Erle of Glencairne, and Mr Johne Gordoun, would not come againe to us, and it drawing neir to evineing, we took a boat and com to Burstoune.<sup>1</sup> That day<sup>2</sup> Counte de Vaude-Mount, brothir to the Duke of Loraine, and Generall of the Venetian Infantrie, wes lookit for to come to Court to visit the King with four score of gentilmen in tryne, quho com on the morne. And so we had three dayis to refresche us and relax our myndis; durence the quhilk we wer visiting the feildis about, namely, Non-suche and Richmont; namely, we censurit all our wordis and actiounes, with thankfullnes to God for bypast assistance, and prayer for continowance to the end.

Sonday, the 28 of September, writtin for by Mr Alexander Hay, we come to Court, quhair wes preparit for us a Royall Service, with quhilk the hail solemnitie of ceremonies in the Kingis Chappel, and Doctor Andrews, then Bischoppe of Excheater, maid the sermone on the tenth of Numberes, of the tuo trumpettis, thairon a long discourse; proveing, that the conveineing of Assemblies and Counseles, and dischairgeing of the samyn, perteinit to Christiane Kingis and Emperoures, directly against his text, quhilk sayis, that the sones of Aaron should blow the trumpets. And becaus we wer attendit on by no honnest man, of any countinace, to leid us to dinner as befor, howbeit, one tauld us it wes ready in the Queine's chalmer,<sup>3</sup> as befor, our braines full of wyne and musick, and our stomakes emptie of victuallis, we come home to dyne at Kingistoune. Being at supper, ane uthir Lettre come from Mr Alexander Hay, biding us be at Court to-morrow againes eight o'clock in the morneing, for the Scottish Counsel wes to deall with us.

<sup>1</sup> Adv. MSS. "Kingstoune."<sup>2</sup> *Ib.* "nixt."<sup>3</sup> *Ib.* "closet."

So, on Monounday, the 29 of that moneth, tymous in the morneing as we wer wairnit, that day wes Assembly keipit in honour of Saint Michel; solemnly keiped, indeed, with strange musick, and hie service in the Kingis Chappel; to the quhilk we wer desyrit to come, and commandit to bring Mr Andro and James Melvill cheiffly, be Mr Alexander Hay, at the Kingis expres command. The said Mr Alexander, becaus of the great thronge, convoyit thame thairin throucht the secreit passage throw the Chapplane's chalmer. Mr James tauld his uncle by the way, that it wes to trappe thame, and assay thair patience, in cais they wer hard speik or wryt<sup>1</sup> any thing againes that superstitious vanitie. Thair we saw the King and Quein offer at the altar, quhilk wes decorit with tuo bukes, tuo basines with tuo candelstickes; and upon this occasioun, Mr Andro maid the verses, for the quhilk thaireftir he was trublit. Thair one of the Count de Vaudemontis cumpany, a German man, spake in Latine, in the hearing of many, "*Ego nunquam vidi talem cultum! Nihil hic profecto deest de solemnna missa, preter adorationem transubstantiali panis!*"

Efter service we waiteit on the Counsell till twelve houres; and, being fasting, we wer invited to breckfast be a guid freind, quhair we wer sent for ones, twyse, thryse, to come befor the Scottish Counsel, quhilk had sittin long calling for us. Quhen we com, they wer angry becaus of our stay, and we told thame we had stayit till twelve houres a'clock fasting, and wer hungry, and could stay no longer. Sederunt, in the Erle of Dumbaris house, Argyll, Glencairne, Orkney, Wigtoun, Dumbarr, all Erles, Scone, Controller, Advocat, Hamiltoun, Lindores, Mr Peter Young, Kilsyth. We resolvit, befor we com in, to make answer to nothing, bot to crave all in wryt to advisement, bot many could not keep that resolution. All being *coram*, the Erle of Dumbar shew us it wes his Majestie's will that the Council, thair conveyit in that kinde, sould deall with us severally in certaine heidis; quhairin they would pray us to give plain and cleir answeris, for satisfactioun of his Majestie, and all to goe furth and come in as we wer callit.

<sup>1</sup> Adv. MSS. "sound," probably for *round* or *whisper*.

Mr James Melvill, first callit, compeirand, wes questiounit by the Advocat : 1. Quhither he had prayit for the Britherine in prisoun? Quhither he allowit the keipeing of the Assembly at Abirdein, and the declinatour usit be tham quho keipit the same, befor the Counsel? 3. Quhither this wes his Lettre writtin to the Synod of Fyff, &c.? He answerit, he wes a frie subject of the kingdome of Scotland, quhilk had lawis and priveledges of its awin, as any in the world, to the quhilk he would stand. He thought thair had bein no lawfull summonds lawfully execut againes him : The Nobillmen thair sitting, nor yit he, wes not at home in thair awin native countrey : The chairge *super inquirendis* wes long syne put away and abolischit, as iniquouse and injust : He wes of no law nor reassoun bound to accuse himselff, be furniseing dittay againes himselff. He desyrit the Nobillmen quho wer thair present to remember quhat they wer, and to deal with him (howbeit ane poor man, yit a frie-born gentil Scotis-man) as they would be content to be usit thaimselffis, that is, by the lawis of Scotland. The Advocat, nochtwithstanding, urgit him to answer ; with quhom he interchangit sume few<sup>1</sup> sentences, telling him, howbeit he had not studeit in the lawis as he had, yit he had sume piece of naturall witt, and had bein boith lernit and taught in logic, in the Scolis. The Erle of Dumbarsch says, "Mr James, will ye not deinzie the Kingis Majestie with ane answer?" "With all submissive reverence," said he, "iff I may knaw the questioune, and haiff tyme to advyse on ane guid answer, ye sall haiff that," said he, "and I sall doe all duetie again," said Mr James. "I understand," says the Erle, "that ye haiff a Supplicatioune from the Ministeres in prissoun to the King ; will ye give it me?" "Yes, my Lord, it is my great desyre to haiff it presentit. I thank your Lordschip for mentiouneing thair of, humblie intreiting your Lordschip to present it to his Majestie, and to helpe thairin quhat your Lordschip can." So he gave it to him, and wes desyrit to remove himselff to a bed-chamber thairin, and<sup>2</sup> to stay quhill<sup>3</sup> he wes callit againe.

<sup>1</sup> Adv. MSS. "quick."<sup>2</sup> *Ib.* "within, there."<sup>3</sup> Until.

And sua wer the rest callit round about, and sent in one by one to him, till Mr Andro Melvill, being at last callit, gaiff thame enought of it, als plainely and scharplie as he wes accustomit, namely, telling thame flattly, that they knew not quhat they did, and wer degenerat from the antiant nobilitie of Scotland, quho wer wont<sup>1</sup> to give thair landis and lyffes for the fridom of the kingdome and Gospel, and they wer bewraying and ovirturineing the same ! Till it became laite, and eftir sune-sett, that they were faine to dimitt us to the nixt calling for.

That same day, befor noone, Mr James Melvill, walking in the great Hall of the Palice, Mr Doctor Montague, Deane of the Kingis Chappel, come by, with quhom Mr James had this conference : " Will it pleas yow, Sir," (quoth he,) " to be favourabill to us and our caus at the Kingis hand ?" " I can not," sayis the Doctor, " for ye ar againes the estait of our Kirk, that is, of Bischoppis, quhilk haith bein this system fyftein hundrith yearis in the Kirk of Christ." " Not so," said he, " in this sort of Bisschoprick, involvit in civill and worldly effaires *cum tippo<sup>2</sup> seculi hujus* ! Such was niver in the Kirk of Chryst but since the Popes of Roome declairit thaimself to be the great Antichryst." " Howsoevir," sayis the Deane, " ye ar againes our Kirk and Bischoppes." " If ye truble not us, we truble not yow," (quoth he.) " Yes," sayis the Deane, " ye haiff maid mentioun of our Bisschoppes to the King and your Parliament !" And with this he pulles out of his bosome the Protestatioun givin in to the Parliament at Perth, and poyntit at the place quhair it mentiounit, Papisticall and Angelicall Bischoppes. " Ay, the corruptioun of them !" sayis Mr James, " and I pray yow, Sir, think ye not thair is corruptioun in that estait ?" " I think thair may be," said he, " but ye deny the Kingis Supremacie." " None," sayeth the uthir, " that he sould haiff the Supremacie over the Ministrie." " Yes," sayeth he, " that Supremacie that he sould haiff in the ministeriall Kirk ; the quhilk athir the Pope, or the Prince, or the Presbyterie, must have." " The Pope sould not, we say

<sup>1</sup> Adv. MSS. " always readie."

<sup>2</sup> *Ib.* " *primo.*"

all." "Mr Calvine gives it to the Presbyterie, and soe doe we," sayeth Mr James. "Ay," saith the Doctour, "but that is treassoun in England, for the Prince hes it be our lawis." "But not," saith the uthir, "by our lawis of Scotland." "But ye must haiff it sua in Scotland!" saith he; and sua abruptly went his way.

Tuysday, the 30 of September, we wer bidden to the sermone againe befor the Kingis removeall from Hamptoun Court, quhair Doctour King maid a most violent invective againes the Presbyteries, cryeing to the King, "Doune! Doune with thame all!" The quhilk four Sermones wer, by commandement, imprintit soone eftir, as they wer purposely long befor prepairit and dressit, and this day every ane of us returnit his answer in wryt to the Articles given us the day befor, everie man severallie, to the samyn effect and substance, as we had answerit in word befor. The same day also the King enterit in his progresse with Count de Vauddemount, and becaus thair wes a grait bussines, we behovit to haiff patience that day, and the day following.

The second of October, we wer callit befor the Scotis Counsel againe. They deliverit to us thrie Articles in wryt, willing us to make Answer thairto by wrytt; every man severallie to tak quhat tyme he pleisit, and to goe quhair he pleisit, so that we went far from Court, and maid knawin the place quhair we lay, that we mycht be fund quhen the King callit for us. The Articles follow, quhilk we desyrit to be subscrivit be the Counsel; quhilk they refusit, and commandit Mr Alexander Hay to subscribe for thame, quhilk he did.

ARTICLES QUHAIRUNTO MR ANDRO MELVILL, MR JAMES MELVILL, MR JAMES BALFOURE, MR WILLIAME SCOTT, MR JOHNE CARMICHEL, MR WILLIAME WATSOUN, MR ROBERT WALLACE, MR ADAM COLT, AR DESYRIT, IN HIS MAJESTIE'S NAME, TO GIVE THAIR DIRECT ANSWERES; EVERY ANE OF THEM SEVERALLIE FOR THAME SELFIS.

"I. Consider, quhither if or not they haiff transgressit thair



duetie, in making publict prayeres for thair Britherine in waird, as being afflictit, and ar willing to craiv his Majestie's favour,<sup>1</sup> thairfoir, sieing that thair said Britherine bydis in waird for just causes, and be ane just sentence of ane lawfull Judge, standing unquerrelit and unreduceit?

"II. Quhither they acknowledge his Majestie, be prerogative of his auctoritie royall, as a Christian King, to haiff lawfull and full power to convocat, prorogat, and desert, upoun just and necessary causes knawin to him, the Assemblie of the Kirk within his Majestie's dominions?

"III. Giff his Majestie, be his auctoritie royall, hes not lawfull and sufficient power to call and convey befor his Majestie's Counsel quhatsumevir persoun or persounes, civil and ecclesiasticall, for quhatsumevir faultis,<sup>2</sup> and give sentence thairannent; and iff all his Majestie's subjectis be astricted to compeir, being citit befor his Majestie and Counsel, to answer, acknowledge, and obey his Majestie and his Counselis judgment in the said affaires?<sup>3</sup>—2 of October, 1606."

"The Articles above writtin, be his Majestie's Counsel, appoyntit to be deliverit out of my hand to the Ministeres above mentiounit, be his Majestie's speciall command,

"ALEX<sup>r</sup>. HAY."

Incontinent eftir our actioun at Hamptoun Court, Mr James Elphistoun, Secretar, wes directit away to Scotland, with commissiounes to pronounce the sentence and doome againes the prissouneres in Blaknes; and unles they would acknowledge<sup>4</sup> thair offence, and craveing forgiveness, come in his Majestie's will, to be banischit off his Majestie's dominiounes, namely, the sex attaintit; and the rest to be confynit, sume in the Lewis,<sup>5</sup> and sume in Kintyre, and sume in Caitnes; the most barbarous pairtis of the realme.

<sup>1</sup> Adv. MSS. "carry his Majestie's feed," feud, enmity.

<sup>2</sup> *Ib.* "offences."

<sup>3</sup> *Ib.* "offences."

<sup>4</sup> *Ib.* "confess."

<sup>5</sup> Lewis, one of the largest of the Hebrides or Western Islands.

THE MANER OF [THE MINISTERES] THAIR PAIRTING FROM SCOT-  
LAND WES WRITTIN TO US, AS FOLLOWIS.<sup>1</sup>

"I wrett a Lettre to yow, Rycht Reverend, from Leith, the 6th of November, concerneing the Britherine in Blaknes, quho imbarkit the 7 of the same instant; [quhois depairtour wes boith joyfull<sup>2</sup>] and sorrowfull to many: Joyfull, in that many guid folkis quho wer present saw thair constancie and courage to stand for the guid caus they had in hand: But sorrowfull, becaus the land is deprivit of sua notabill lightis as they ar. The maner of thair depairtoure wes this: The 6 of November, about four eftirnoone, they wer desyrit to come to the boat quhilk wes preparit for thame, be the Watter-Baillie of Leith and Edinburgh; quho, obeying, come, accompaneit with sume of thair dearest freindis and wyffes to the peire, quhair thair wes a guid number of peiple waiting on, to tak the guid-night<sup>3</sup> at thame, and to sie thame, but eftir thair cumming hither, Mr Johne Welsche conceivit a prayer, quhilk bred great motioune in the heartis of all the heareres. Prayer endit, they tuk guid nycht of thair freindis, wyffes, and many uthir wel-willeres quho wer present, enterit into the boat, quhair they remainit a guid space waitting on the skipper, quho, becaus he wes not ready that nycht to goe aboard, and lyeing in the schipp, they wer desyrit by the Watter-Bailie, either to goe aboard and lye in the schipp that

<sup>1</sup> The six Ministers who were tried for treason at Linlithgow, before Mr William Hairt of Levelands, Justice-Depute, and twenty Assessors, (composed of the Lord Chancellor, and Lords of the Privy Council,) on 10th January 1606, were Mr John Forbes, Mr John Welsh, Mr Robert Durie, Mr Andrew Duncan, Mr Alexander Strauchane, and Mr John Sharpe. The reader is referred for the details of these most oppressive proceedings to *Pitcairn's Criminal Trials*, II. 494-504; *Wodrow's Church Hist.*, pp. 506-516; *Hailes' Memorials and Letters*, Jac. I. pp. 1-4; *Cook's Hist. of Ch. of Scot.*, II. 160 *et seq.*; *M'Crie's Life of Melville*, II. 201 *et seq.*; and *Calderswood's Hist.*, p. 509 *et seq.*, &c. Doom and sentence of banishment was pronounced on them, Oct. 23, 1606, in the Court of Justiciary, and the above is an affecting account of their embarkation at Leith.—Ed.

<sup>2</sup> Not in Adv. MSS.

<sup>3</sup> Taking farewell.

nicht without the skipper, or eles to goe to thair ludgeing that nycht, and be redy at the nixt call.

“They, by Godis speciall providence, chusite to goe to thair ludgeing; for that nycht come on a great storme, that the schippe wes forcit to saiff her selff in Kinghorne road all that nycht. They wer callit againe by tuo houres in the morneing; quho, obeying, come to the schore and peer, accompanieit as the nycht befoir, no small concurse of peiple being with thame, beyond expectatioune, so airly to sie thame boat. Prayer conceivit as befoir, by Mr Johne Welsche, they imbarkeit, giving many exhortatiounes to all to hold fast the truth of the doctrine quhilk they had deliverit; for the quhilk, they doutit no thing to lay doun thair lyffis, let be to suffer banischment; adding thairto, that quhilk they sufferit wes the great joy of thair conscience. In the meane tyme, the marineris haistit thame away, they not being abill to speik longer, nor we to heir, that boith the courage and joye they had in God mycht be manifest to all, they depairtit out of our sycht, making us to heir the confortabill joye quhilk they had in God, in singing a Psalme. Bliesit be God, quho maid that actioun glorious, and gracit them in the heartis and eyis of all that lookit on thame, and graunt me grace, for my pairt, niver to forget it!

“The Bischops, returneing from England, presentit a Proclamatioune to the Presbyterie, that no Minister sould be so bauld, under the pain of death, as to pray for thame; lykwayis ane Lettre came from the Counsel, schawing them that it wes his Majestie’s will, that the Ministeres of the Presbyterie sould supplie thair rounes that wer put away, till he saw to the planting of thair Kirkes. I may well regrat the miserabill estait of this Presbyterie, above any of the land, sen thai and the rest left it! God amend it! To quhom we ceise not to commend yow.”

THE PROCLAMATIOUNE, MENTIOUNIT IN THIS FORMER  
LETTRE, BY THE KING.

“ Quhairas diverse of the Ministerie of that our realme of Scotland, patrounes, as it seimit, of that contemptuous Conventicle at Abirdeine, the 2 of July 1605, by a little handfull of the basest and most ignorant sort of that professioun; quhois seditious proceedings being first condemnit by our Counsel in that kingdome, and thaireftir the samyn, by the Commissiouneres of the Generall Assembly, declairit to be no lawfull meitting; and the principall auctoritis of that Conventicle, haiffing incurrit the paines of treassoun for their treassounabill declyneing of our Counselis auctoritie, for the quhilk they wer convictit in a Justice [Court,] holdin at Lithgow, the 10 of Januar last bypast, doe not spair, in their ordinarie sermounes and excercises, and in their prayeres, to remember thais convicted traitoures, as distressit, afflictit, or persecutit Britherine, praying for their deliverie; implying thairby us to be tyrantes, and our gouvernement tyrannicall; to the high contempt of us and our auctoritie, as without all example of ony tyme formerlie observit in ony Christiane Kirk. Our will and pleassoure is, heirfoir, that by oppin proclamatioun at our mercat-crosse of our burght of Edinburgh, and all uthir places neidfull, in our name and auctoritie, command all and quahatsomevir Ministeres of that our kingdome, be inhibit and dischairgit, that none of thame presume, or at any tyme heireftir to remember in their sermounes and prayeres any of thais convictit traitouris, or any uthir of their Britherin quho ar in waird, als guiltie of the same treassoun, neithir any way mak mentioun of thame, eithir generally or particularly of thame, in any of their publict excercises, eithir in preiching or prayeres, (except it be in disallowing their proceedingis,) under the pain of death, to be inflictit with all rigour upon sic as will presume to controvein presently the command of this our present chairge: Commanding thairby expresselie the Lordis of our Counsel, Shereffes, Bailies,

and all uthiris Magistratis quhatsovevir, alseweill in regalitie as in royaltie, Provestis and Bailyies of our burghtis within townes, and all Barronis, and Gentillmen of any qualitie, within our kingdome, that iff any of thame be present at any sic excercises, preaching, and prayers, quhair thais traitoures and uthiris followeris salbe favourabillie remembered, that incontinent upoun the end of the sermone thai caus the Minister, trespasser heirin, to be takin, and then committit to the neirest waird; and eftir acquainting our Counsell thairwith, that they bring sufficient prooff and verificatioun thair of befor thame, to the effect that the same may be condignely punischit, and that uthires may be terrifieit by thair example from committing the lyk: And our further plesour and will is, that printit coppies of this our chairge be delyvered to the principall Magistratis, boith to burght and landwart, and to all the Ministeres of any principall burght within that our realme, that none dar, be any maner of way, pretend ignorance heirof. Givin at our Court at Hamptoun, the 26 of September 1606. God saiff the King.

“Printit at Edinbruche by Robert Charteres, printer to the Kingis most excellent Majestie, *anno* 1606.”

Mononday, the sext of October, Mr Williame Scott and Mr Williame Watsoune wer sent for by the Archbischope of Canterberrie; and eftir long conference, he propounit to thame thrie Questiones, quhilk he wald haiff given tham in wryt; bot they would not ressaive thame, leist that sould haif brought on a disputatioun.

#### THE QUESTIONES, AS THEY WER REPORTIT, WER THAIS.

“1. Quhither, in any of the Antiantis, the name of the Presbyter wes found givin to any that [had not<sup>1</sup>] teichit the Word and ministerit the Sacramentis?

“2. Quhither, ever among the Auntiauntis we red of a Presby-

<sup>1</sup> Not in Univ. MS.

terie or Ecclesiastic Senat,<sup>1</sup> that had [not<sup>2</sup>] in it, and above it, a Bischope?

"3. Quhither the nam of a Bischope, in the Antiantis, wes found given to ony quho had no superioritie above the Presbyterie, or Ecclesiastical Synod, and the rest of the Presbyterie and Clergie?"

We understood also, by thame, that the Archbisschop had gottin directioun from the King to conferr with us all, and travell to convert us; but he fand thais tuo Brither so hard of his lair,<sup>3</sup> that he dispairit to call for thame again, or for any moe of us. We understood also that thair wes moe nor ane hundred Missive Lettres, wryttin and signettit, to be directit home to Scotland about sume great matter; quhilk eftirwaird we knew to be for the Conventioun at Linlithgow.

Twysday, the 7 of October, Mr Andro Melvill and Mr James Melvill were callit to be acquaintit with a wyse, godly, and worschippfull antient Knight, Sir P. Haistis,<sup>4</sup> quho thankit God exceedingly, and congratulat to us greitly the hail actione at Hamptoun Court; schawing, that it wes meikle talkit of, and commendit amongst all, and would doe much good, not only to our Kirk, but to uthiris, namely, that courage and friedome of speiche, and constant standing to the truth of the caus. Thais Britheris and many the lyk approbatiounes, togidder with the rest of the particularis of these eight Britherine's privat actiones and conferrences, I ovirpasse, and will now proceed to thair deiling with the King, and of his Majestie with thame.

Amongis the Britherine of the Ministerie quho stuid with the Bisschopes againis us at Hamptoun Court, thair wes one Mr James Nicolsoone, a man of many guid qualities and deipe naturall witt, quho, the 7th day of December, before mentiounit in the beginning of this Historie, wes a cheife counsellor amongis us, in all his proceedingis, and a standert-beirer amongis the Commissiouneres of the

<sup>1</sup> Adv. MSS. "Ecclesiastical Synod."  
tuition.

<sup>4</sup> Left blank in Adv. MSS.

<sup>2</sup> Not in Univ. MS.

<sup>3</sup> Learning,

Kirk, and quhois boith pen and mouth wes most in all thais actiones. This man wes now broken to tak in ane Bisschopricke, and become to the King cheiff counsellere againes us in all his proceedingis, without our Kirk. He wes the speciall familiar of sume of us, quhom we boith lovit and reverencit ; and, thairfoir, we thought guid to send unto him tuo of our number, and his great acquaintance, Mr Williame Scott and Mr Johne Carmichel, quho, quhen they had talkit with him, and conferrit, fand small contentment; yit they deliverit to him all our Answeres to the Articles givin us by the Counsel, expouning to him also our Greiffes, as the King desyrit we schould : The substance of the quhilk followis, for we wer all conforme to one effect, howbeit sume more lairge nor uthiris ; and becaus it wes givin out sclanderously that we agrieth with the Papistis in denyeing the Kingis supremacie, and were unrully, rebellious, and unreverent, we usit the greitter submissioun.

WITH ALL SUBMISSIOUN, HUMILITIE, AND REVERENCE, TO THE KINGIS SACREID MAJESTIE, AND WITH ALL HEARTIE AFFECTION TO HIS GRANDNES, AND EXTOLLING ABOVE ALL MEN UPON THE FACE OF THE EARTH, JAMES MELVILL'S ANSWER TO THE QUESTIOUN PROPOUNT BY HIS MAJESTIE'S MOST HONORABILL COUNSEL.

"1. I can not conceive a transgressioun of duetie in praying for our Britherine ; the command and the warrand being sua cleir in the Word of God, 1 Tim. ii. 1 ; 1 John v. 16 ; Hebr. xiii. 3. And if I could conceive any prostrat at his Majestie's feit, with my face upon the ground, I would ask willinglie, and most humblie craive pardoun and favour.

"2. The lawes of the realme, the judgment, practise, and constitutiones of ou Kirk, are cleir heirannent ; and if thair be any doubt remaining, if it is by the law and estait of the realme, let it be resolvit by the nixt Generall Assemblie, to the quhilk by the hail Synod it is referrit.

"3. The third is civill, for the most pairt maid of many interrogatiounes, and not thairfor to be simply answerit; and iff it be doubtit off, it is be the law and estaitis of the realme to be ressolvit: And for judging of the Ministeres in matteres spirituall and meir ecclesiasticall, such as concernes thair calling and poyntis of thair Ministerie; the quhilk, as they have oft in Jesus Chryst and in his Kirk, [alenerlie, togidder with the Jurisdiction of the Kirk,<sup>1</sup>] quhat it is, and how it differes from the civill Magistratis Jurisdiction and power, the statutis of the realme, the judgmentis practisit, and constitution of the Kirk, the Kingis Majestie's Declaratioun at Linlithgow, and in diverse Generall Assemblies, are most cleir and evident; to the quhilk I stand, till God teich my conscience better: Protesting befor the great God of heavin and earth, that iff I thought it nocht a sinne againes Jesus Chryst, the Lord of lordis, and King of kingis, and so most dangerous to the Kingis Majestie's persoun, croun, and estait, to ascryve<sup>2</sup> any further to him, thair is none living wald be glaid to imploye quhat lyis in his abilitie for avoweing, maintaining, and standing to the same to his uttirmost, then poore

"JAMES MELVILL."

The caus of our detentioun, howbeit, in truth, it wes to withhold us till they had effectuat matteres at home, yit they gave it out to be for that we had not givin in our Answeres and Greives with our advyse, how the Kirk might be paciefieit: Thairfor, we thought meitt that all sould goe in befor Mr James Nicolsoun went away, of whom we lookit for favour, he being now almost the Kingis only counsellor in all thais matteres, and quho wes with the Erle of Dumbar, to enter to his journey.

<sup>1</sup> Not in Adv. MSS.

<sup>2</sup> Ascribe.



FOLLOWS THE GREIVANCES, AND ADVYSE HOW TO PACIEFIE  
THE KIRK.

“ Pleis your most excellent Majestie to heir the Greives quhilk your Majestie desyrit us to give upe unto your Hienes for redressing, as also our Advyse for paciefieing the estait of our Kirk : We are greivit that this four yeiris, the Generall Assemblie of the Kirk of Scotland hes bein prorogat in so neidfull and dangerous a tyme, quhen all estaites ar so cairfull of thair priviledgis ; and Papists, Atheistis, and licentious persounes, contemneres of the Word and Discipline of the Kirk, increesses and aboundes : We ar grivit that fourtein Ministeres sould lye holden yeir and day in waird and prissoune, from thair flockes and families, quhilk the hand of God is striking sua sore by the plague of the pestilence amongis tham : We ar grived that the Commissiouneres of the Kirk, that voitis in Parliament in name thairoff, had nethir enterit in that office nor behavit thame selffes thairin, according to thais Cautiounes and Orders sett down thairunto by your Majestie, in the Generall Assemblie holdin at Montrose ; and namely, that these Cautiounes, ordained to be insert in the actis of parliament to be maid in thair favour, howbeit offerit be the Commissiouneres of the Generall Assembly, were refusit and rejectit at Perth : We ar grivit that the Commissiouneres of the Generall Assembly maid no tymeous and faythfull wairneing to the Presbyteries of your Majestie’s will annent the prorogatioune of the Assembly appoyntit be your Majestie to be haldin at Abirdeine, quhilk wes the first caus of all this trubill, and yit sume of thame satt in Counsel, and wer fordwaird in condemneing thair Britherine in prissoune : We ar grivit that your Majestie’s Commissiouner, Lauristoun, his unfaithfull, foolich, and false deiling at Aberdein, the nixt and most caus of your Majestie’s offence, most evidently may be sein, and of the trubill of the Britherin : We are grivit at all the wrongis quhilk thais Britherine alledges done unto thame ; most humbilly beseiking your Majestie to examine, consider, and amende thame, as, nixt under God, to

doe the same: We ar grivit that we ar deteinit so long frome our flockes and famelies in so dangerous a tyme of the plague of pestilence, and uthir great necessities: All the quhilk Greivances, if it wald pleis your gracious Majestie to tak it to heart, we dar be answerabill for it, upon the redresse thair of, that the estaite of our Kirk salbe paciefiet."

The 5 of November, the Parliament of England sat down againe, quhilk maid us to be excluded againe from all action and dealing for our selffes at Court. In the meintyme, we keipit ane honnest tabille and ludgeing hous altogidder, quhairunto resorted many honest men and Britherin of the best sort: So, haiffing comfortabill commoditie of our being togidder, we thought it guid to tak us to ssume guid excerceise of the Word and prayer, and fasting, joynit with humiliatioun, one day in the weik, namely, becaus of the dangerous deilling at home, that the Britherin thair mycht be constant that God in mercie wald give unfainyieit repentance to our hail Kirk, baith Pastour and peiple, for the lycht, estimatioun, and fruitless abuse of the Gospel, so sincerely and friely continowit so long a tyme in our country; and, for the quhilk, this heavie dissipation<sup>1</sup> and danger of greater corruptionne, wes hinging on; that it mycht pleas God, with his mercifull eye, to look down againe unto his awin Sion, to gadder him againe his disperssit, [and] to repair the breiches. That excercise continowit about ane moneth; in the meintyme, not ceisseing, by all occasiounes of all our freindis, to give in our Supplicatioun to the Kingis Majestie, and to use all meines quhat we could for our friedome. The effect we fand wes, on Sunday the 13 of November, Mr Alexander Hay come to our ludgeing, sent, as he said, from the King, to intimate ane ordinance for wairding of every ane of us with a severall Bisschoppe, so greitlie wes our remaineing togidder invyed: For boith the King and the Bisschoppes, namely of Canterbury, had their spyas, quho, under coullour of freindly visitatioun, reportit boith our

<sup>1</sup> So in all the MSS. Probably for dispensatioun.

speiches and actiounes; viz. Mr Andro Melville with the Bisschoppe of Winchester, Doctor Bilsoune; Mr James Balfour with Norwitch, Doctor Bigom; Mr William Scott with Peter Burrow,<sup>1</sup> Doctor Done; Mr Johne Carmichel with York, Doctor Matthow; Mr Williame Watsoune with Londoun, Doctor Vaintham;<sup>2</sup> Mr Adam Colt with Salisberry, Doctor Ravisch;<sup>3</sup> Mr Robert Wallace with Rochester, Doctor Barlow; Mr James Melvill with Duresm,<sup>4</sup> Mr D. James.

This movit us all to great indignatiounne and anger; so that Mr Alexander [Hay] wes laid upoun us all, round about, and in end ressavit this answer: "If we had committit any cryme, let us be judgit orderly and punischit; uthirwayis, we would not disschonour God, the King, and our callingis, to goe and ly at sic menis houssis, but would rathir chuse imprissonement or banishment." We maist humbilly againe besought his Majestie to regaird his awin honour, quho had writtin for us so fairlie, the honour of our Kirk and countrie, affirmeing bauldly that they wer not guid Counselleres quho had mentiounit that. This, and meikle moir, wes reportit be Mr Alexander Hay. We hard no moir of that matter till ane quarter of ane yeir wes donne; and eftir being mychtily affrayit thair-with, we wer fain to breck up our societie, quhilk wes sua invyit; but befor we severit,<sup>5</sup> we thought it most needfull that the four sermounes that we hard at Hamptoun Court, and now ar newly publiischit in prent, sould be answerit; quhilk travell we committit to thame quho thought thame selffis best disposit for the same. Unto ane of the numbir we injoynt to note and mark eligantly all proceedingis, for informatiounne to ane Historie, as it mycht pleas God to grant this benefit thair of to the posteritie.

Sonday, the last of November, Mr Alexander Hay sent ane Lettre, desyreing, in the Kingis name, Mr Andro Melvill and James Melvill, with Robert Wallace, to come to his chalmer at Quhithall by ane of the clock. Comeing, he tauld us that thair wes certaine Verses maid in Latine, com in the Kingis hand, for the quhilk we

<sup>1</sup> The Bishop of Peterborough.

<sup>2</sup> Adv. MSS. "Wathand."

<sup>3</sup> *Ib.* "Beants."

<sup>4</sup> The Bishop of Durham.

<sup>5</sup> Adv. MSS. "separated."

wer to be callit befor the Counsel of England; and so we wer callit by and bye.

Mr Andro Melvill called, confessit that he had maid such Verses, being much movit in his mynd with indignatioun to sie such vanities<sup>1</sup> and superstitioun in a Chrystiane Reformed Kirk, under a Chrystiane King, borne and brought upe in the lycht of the Gospell most sincerely, befor idollateres, to confirme thame in the same, and greive the heartis of true worschippers. And being spokin unto by the Archebisschoppe of Canterburie, quho satt uppmost at the Counsell table, on the right hand, tuik occasioun plainely in his face, befor the Counsell, to tell him all his mynd, quhilk burst out as inclossit fyre in watter! He burdeinit him with all thais corruptiounes and vanities, and superstitiounes, with profanatioun of the Sabbath day, silenceing, imprissouning, and beir- ing doun of the true and faithfull<sup>2</sup> Precheres of the Word of God, of setting and holding upe of Antichrystiane Hierarchie and Popische Ceremonies; and taking him by the quhyt sleives of his rocket,<sup>3</sup> and schaikng them, in his manner, frielie and roundlie, callit thame "Romishe ragis, and a pairt of the Beastes mark!" He tauld him further, that iff he wes the authour of the buik intitulat, "Scotiseing Genevating Discipline," he estimit him the capitall enemie of all Reformed Churches in Europe; and would professe him enemie to him and all such proceidingis, to the effusioun of the last droppe of all the blood in his bodie; being uncessantly grivit at his verie heart to sie a man have the Kingis eare, and to sitt so hight in that honourabill Counsel of England! &c. He paintit out alsoe Bisschoppe Barlo for the wrytting of "The Conference at Hamptoun Court," quhairin he had sett doun that "the King wes in the Kirk of Scotland, but nocht of it," and uthir such horribill speiches; marvelling that such a one wes unpunischit, and ex- amplarilie, for making the King of no Religione! And entering in his sermounes maid last at Hamptoun Court befor the King, he

<sup>1</sup> Adv. MSS. "enornitie."

<sup>2</sup> *Ib.* "sincere."

<sup>3</sup> *Ib.* "right hand."

refutit the same so long as he gat audience and permissioun; but he wes oft interruptit, and at last put furth in a place by him self.

Mr James Melvill [was next] callit in, quhom the Chancellor usit verie courteouslie, with the style of lairneing, gravitie, godlines, wisdom, honesty, and truthe; feiring, as it appeirit, the force of that Spirit, quhilk he neidit not, in using such charmeing. He shew him how the Kingis Majestie had commandit thame off the Counsell to aske him tuo questiounes, not doubting but he would answer truely and plainely: First, Quhither he had written home to Scotland the lait proceedingis at Hamptoun Court betuixt his Majestie and us? He ansuerit, that at his coming from Scotland, his freindis wes desyreous to be informit of our matteres how they went, and sua he had promisit to thame; and, for performeing of his duetie, he had written all. The Archbisschope askit him, How he had writtin of justifieing his awin plott and pairt, and condemneing the Kingis pairt? He ansuerit, nethir by way of justificatioun nor condemnatioun, but only by a trew and simple way of narratioun. The Erle of Northamptoun insisted on the same poynt: To quhom he said, he had ansuerit already. The Chancellor sayis, "He hes ansuerit simpelie and plainelie," and sua movit the uthir questioun, If he had sein certain Verses, writtin in Latine, againes the ornamentis of the Alter of the Kingis Chappel? He said, he could not answer till he saw thame.<sup>1</sup> They gaiff him thame to reid; quho then said, he had sein such Verses in his uncle's, Mr Androis hand, eftir the making of thame at Hamptoun Court, and knew weil the greit greiff thairof, and motioun of his mynd<sup>2</sup> at that tyme. They askit, If he had givin out any coppies thairof, to send thame to Scotland? He said, Nay, non at all; nethir knew he yit of ony givin out by his uncle to any man being on lyff; and marvelit how they could come in the Kingis hand. So he wes bidden to remove, and Mr Robert Wallace called. He wes demandit the samen questiounes, and ansuerit conforme.

<sup>1</sup> Adv. MSS. "heard these Verses."

<sup>2</sup> *Ib.* "heart."

Eftir ane houre's advysement, we wer all callit in togidder ; and Mr Andro, eftir a long and grave admonitorie oratioune of the Chancellor, Lord Edgertoune, that with his learneing and yeires he sould joyne wisdome, gravitie, modestie, and discretioun, he wes committit to the Deane of Paulis, to remaine in his custodie dureing the Kingis Majestie's will ; and the uther tuo commandit to the custodie of thair awin wyse and discreit cariage, with a gentill wairneing to tak heid to thair actiounes, speiches, and wryttingis too.

The purpose of all this wes to snare Mr Andro Melvill, quhom they knew to be frie of speich, that they mycht haif sume appeirance of just occasioun to mak him fast,<sup>1</sup> and sua to be quyt of his hinder<sup>2</sup> in the prosecutioun of the Episcopall purpose ; for, soone in the morneing, Mr Alexander Hay com with the warrand and commissioun, to put the Counsellis decretit to executioun, and restit not till the tyme he had gottin Mr Andro enterit in the Dean of Paulis hous and custodie, quhair he remained quhill the moneth of Marche.

In the moneth of March, [1607,] the Counsel sent a Lettre of Warrand to the Deane of Paulis as followeth :

THE COUNSELIS LETTRE AND WARRAND UNTO THE DEANE  
OF PAULIS.

"Quhairas ane Minister of Scotland, Mr Andro Melvill, hes, be the Kingis Majestie's commandement, bein callit befor us at the Counsel-Boord, quhair he had confessit himselff to be the auctour of certaine Verses, or rathir a Pasquill, tending to the scandell and dishonour of the Kirk of England ; for the quhilk his great offence he had been censurit to be restraint of his libertie untill such forder proceedingis sall be takin order with him as sall seim guid to his Majestie, in such a caus as this, and by impunitie : Yow sall heirby understand that his Majestie hes made chuse of yow, for the present, to ressaive him in your custodie. Quhairfoir, in his Majestic's

<sup>1</sup> Adv. MSS. "sure."

<sup>2</sup> Ib "hand."

name, we doe requyre yow furthwith to ressaive him accordingly, to remain in your house at Paulis ; not suffering any to haif accesse unto him, until his Majestie's further plesoure heirin to yow be signified. It is also thought expedient that yourself doe, at convenient tymes, conferr with him in such poyntis quhilk yow sall find differing from the discipline of the Kirk heir establischt, for his better satisfacioun and conformitie ; quhairin, by your guid endeavour, you may deserve very weill of his Majestie, and so of us : So, not doubting of your extraordinar reguard heirin, we bid yow fair weill."

THE ALTAR VERSES FOLLOWIS—EPIGRAMMA.

Cur stant clausi Anglis, libri duo, Regia in Ara,  
 Lumina cæca duo, pollubra sicca duo ?  
 Num sensum cultumque Dei tenet Anglia clausum  
 Lumine cæca suo, sorde sepulta sua,  
 Romano et<sup>1</sup> ritu, Regalem dum instruit Aram ?  
 Purpuream pingit religiosa lupam !

[TRANSLATED THUS.]

On Kinglie Chappell aultar standis  
 Blind candelstickis, and closit buikis,  
 Dry silver basines, tuo of each :  
 Quhairfor, saith he, quho luikis,  
 The mynd and worschippe of the Lord  
 Does England so keipe closse ?

Blind in hir sycht, and buried in  
 Hir filthines and drosse :  
 And quhill with Roman ritis schoe does

<sup>1</sup> Adv. MSS. "an."

Hir kingly altar dresse,  
Religiously a purple quhoore  
To tame sche does professe !<sup>1</sup>

The speciallis of the Ministrie being now to be exilit,<sup>2</sup> wairdit, and confynit, they thought to mak ane assay<sup>3</sup> of a Generall Assemblie, quhereby to proceid one step forward. So about the beginning of December,<sup>4</sup> a Lettre com from his Majestie to everie Presbyterie, commanding thame to send such men to Linlithgow, quhois names wer in the Lettre, the tenth of that instant, to consult and resolve with sume Nobillmen for suppressing of Papistis and removeing of jarris from the Kirk ; (for they durst not as yet nominat a Generall Assemblie for feir of the successe thairrof.) Privily Lettres wer also directit to particular Brither, commanding thame to keipe the place appoyntit, quhither the Presbyterie gave thame Commissioun or not. Out of sum Presbyteries were named none, out of the most pairt three, out of sum four or fyve, out of sum six, according as they were maid to favour the purpose. So thair met about one hundred and twenty-nine Ministeres, and Nobilmen, Officeres of Estaitis, and Barrounes thirty-three, or thairby, att Lithgow the tenth of December. Maister Patrick Galloway, last Moderator, was desyrit to mak the exhortatioune, acording to the ordour ; bot he refusit, becaus he knew not of any tyme appoyntit for ane Generall Assembly, and thairfoir wes not prepairit. So Mr James Law, lait Bisschope of Orknay, made the exhortatioune ; and thereafter Mr Patrick prayit, and producit four in

<sup>1</sup> In the Adv. MSS., another translation of these Verses follows the lines by Andrew Melvill, which it has been considered proper to be inserted here :

Why stands there on the Royall Altar hy,  
Two closed bookes, blind lights, two basins dry ?  
Doth England hold God's minde and worship close,  
Blind of her sight, and buried in her dross ?  
With Romish rites King's Chappell doth thee dress,  
Religious she the Red Whore dothe express !

<sup>2</sup> Adv. MSS. " expelled."

<sup>3</sup> *Ib.* " offer."

<sup>4</sup> *Ib.* " September," erroneously.



lait<sup>1</sup> from his Majestie, Mr Patrick Scharpe, Alexander Lyndsay, Robert Howie, and Mr James Nicolsone, quho wes chosine Moderator.

All lawis wes sought out againes Papistis; and becaus the fault was in laike<sup>2</sup> of executioun, ane Ovirture wes fund that everie Presbyterie sould haiff ane Agent for persewing of Papistis, and the said Agent sould haiff ane hundred pundes out of the Thesaurie for his expensses. Then it wes askit of be the Moderator, Quhat wes the caus of the jarris of the Kirk? It wes answerit, For want of a frie Generall Assemblie; thairfor thair wes one ordainit presently, to be hauldin at Edinburgh, the last Tuysday of July nixt following. Supplicatioun being maid for the banischit Britherin, for Mr Robert Bruce, and all these that wer deteinit at Lundoun, all wer tint<sup>3</sup> in the houe of thair restoreing.

Then comes in his Majestie's speciall desyre, that untill the tyme that Papistis wer repressit, and all jarris removit out of the Kirk, ane Constant Moderator mycht remaine in every Presbyterie, for sundry reassounes, namely, for that betwixt Moderatoris quha wer changit sua oft, proces, diligence, and executioun followit, the new being unacquaintit with the former proceedingis. The matter com to reassouneing. Mr Patrick Galloway propounit three reassounes in the contrair: *First*, The prejudgeing of the Presbyteries of thair frie electioun quho best did know the qualitie of thair memberes: *2dly*, The danger of tyrannizing of the Moderator above the Britherin, and usurpation of auctoritie and jurisdiction over thame: *3dly*, The prejudgeing of the Generall Assemblie of the frie nominating of Commissioneres out of every Presbyterie; for, by appeirance, thair wes no uthir thing meinit by this but to mak the Generall Assembly to consist of Bisschopes and Constant Moderatores of Presbyteries, quho mycht doe quhat they list. As to the reassounes propounit, it wes eisily ansuerit, that all the Presbyteries, and every Brothir thair of, sould know the estait and proceedingis of

<sup>1</sup> In *lect.* The Adv. MSS. read, probably erroneously, "waitit," which signifies chosen, picked out, or selected.

<sup>2</sup> Lack.

<sup>3</sup> Lost.

matteres ; and so, any mycht be able aneucht to put matteres in mynd for executioun, meikle maire the meittest chosine for the purpose, according to the postoure and estait of the matteres in hand, for removeing thereof, and of sic dangeres and difficulties, thais Cautiounes wer provydit, that the Constant Moderatoris sould be answerabill to the Moderator of the Synode, and to the whole Synod itself, for all his oversycht and his offences, and removeabill be thame eftir a lawfull tryall, and the worthiest of his Presbyterie preferrit to his place ; that every Presbyterie sould haif the frie electioun of tuo uthir Commissiouneris to every Generall Assemblie ; and that it sould be in that Presbyterie's hand and adoptioun to accept of that Moderator nominat or not.

Thir Cautiounes being sett down, and the Articles fully <sup>1</sup> aggrieit upoun in the Privie Conference, it passit in the oppin Assemblie, and agrieit, that he quho befor wes namit the Agent sould be this Constant Moderator. The Bisschoppes, with thair awin consentis, wer ordainit to be subject thair to the Discipline of the Kirk, and remaine and be Pastoris in the Kirk of their awin Bisschopprickis, and to underly <sup>2</sup> the censure of their particular Presbyteries : And in caice, at the next Generall Assemblie appoynted to be holden at Edinbruche, it salbe found that they haif any wayis transgressit the Cautiounes they offerit, evin thair to lay doune thair Bisschopprickis at the Assemblie, that his Majestie mycht bestow the same upoun any uthir of the Ministerie that salbe thought meit for the place.

Immediatlie eftir the Assemblie the Lordis Collector, Blantyre, Clerk off Register, with the Moderator nominat in the Assemblie, viz., Mr James Nicolsoun, come to Edinbruche ; and on the Presbyterie day urgit thame to ressave thair Moderator, nominat at the Assemblie, viz., Mr Johne Hall. Thair the Act wes red, but they quho hard it and wes at Lithgow, to witt, that the Bisschoppes ar ordainit Moderatoris of the Synodis ; quhilk Mr Patrick Galloway, and Mr Johne Hall, and more, affirmit, that it wes nevir spokin of in that Assemblie.

<sup>1</sup> Adv. MSS. "openly."

<sup>2</sup> Be subject and submit to.

The nixt Wedinsday the Presbyterie of Dalkeith wes urgit, quho sought the Act to be advysit, withall promeisng thaireftir to give thair answer; but the Act could not be had, neither by thame nor by na uthir, till it wes produceit in a Synod in Fyff, eftir the death of the Moderator, almost aught monethis thaireftir: But in the place thair of thair passit out Lettres from the Counsell, chairgeing the Presbyterie to accept of thair Constant Moderator in every Presbyterie, in the Generall Assembly holdin at Lithgow, quhair off the tennour followis:

[LETTERS FROM THE PRIVY COUNCIL CHARGING THE PRESBYTERIES  
TO ACCEPT OF CONSTANT MODERATORS.]

"JAMES, be the grace of God, &c. Forsaumeikle as the Generall Assemblie of the Kirk, keipit at our burgh of Linlithgow, in the moneth of December last bypast, and assistit by a frequent number of the Nobilitie, Counsel, and Barrounes of this our kingdome, it wes thought verie meit and expedient, and in end concludit and agrieit, with uniforme consent of the Assemblie, that, for the weill of the Kirk, and staying of the number and growth of Papistis in this our kingdome, thair sould be a Constant Moderator for a certaine space, nominat in every Presbyterie, quho sould haif the chairge to informe the Lordis of our Secreit Counsel of all Papistis, recusantis, and contemneris of discipline in this land, and to seik the executioun of our lawis againes thame; as in the act maid thairanent at mair lenth is conteinit: Quhilk being sein and considerit be us, we haif not only approvit and allowit the samyn, and interpounit our auctoritie thairunto, but haif recommendit it to our Counsel that they haif speciall cair and regaird to sie the same ressaive thair dew obedience and executioun; lykeas N. wes nominat and appoyntit Moderator for the Presbyterie of N.: And albeit it wes houped that this godly and necessare conclusioun, importing sua highlytly the weill of the Kirk, sould haif bein ressavit with all, thankfullnes, and embracit be the Presbyteries of this our kingdome; nevertheles, the Ministeres of the Presbytrie of N., for quhat caus

we knaw not, refuisses, or at the leist delays, to ressaive the said Moderator, and to conforme thamselvis to the ordinance and conclusioun forsaidd; the controveining quhairoff will altogidder mak the samyne ineffectuall, without remeid be provydit. Our Will is heirfoir, and we chaarge yow straitly, and commandis, that incontinent thir our Lettres sein, ye pas, and in our name and auctoritie, command and chaarge N. N., Ministeres of the Presbytrie of N., and the Clerk of the said Presbyterie, to conforme thamselffis to the ordinance and conclusioun of the said Assemblie, and to ressave the said Moderator, and to reverence him in all thingis dew to the priveledge of that office, without excuse or delay, within twenty-four houres nixt eftir they be chaargit be yow, under the pain of rebelloun and putting of thame to our horne; and if they failyie thairin, the said space being bypast, that incontinent thaireftir ye denunce the dissobeyeris our rebellis, and put thame to our horne; and if they failyie, that ye escheat, &c. : And siclyk that ye, in our name and auctoritie, command and chaarge the said Moderator of the Presbyterie of N., to accept the said chaarge upon him within the space of twenty-four houris nixt efter he be chaarged be yow to doe so, under the pain of rebelloun and putting of him to our horne, and if he failyie thairin, the said space being bypast, that incontinent thaireftir ye denunce the dissobeyeris our rebelles, and put thame to our horne, and escheat and inbring all his moveable guidis to our use for his contemptioun: The quhilk to doe, &c. Givin under our Signett at Edinbruche the 17 of February, and of our reigne the fourtieth yeir, 1606.

*"Per Actum Dominorum Secreti Consilii,*

*"JA. PRYMEROSE."*

About the end of December the Abot of Halirudhous and Maister James Law, Bisschope of Orknay, wer sent to the King with the proceedingis of this Conventioun at Lithgow sett doune in wryt; quhairwith the King wes litle content, becaus they proceedit not frielyer; and farder, sieing the Bisschoppes of the Presbyteries, and appoynting thame Moderatoris ovir the Provinciall Synodes,

the Abot laid all the waitt<sup>1</sup> on the Bisschoppes, quho had voluntarily submitted thaimselfis of new to the Presbyteries. Bisschope Law wes for this thoroughly chydit upoun; allwayis, the remedie wes, that nothing sould be put out<sup>2</sup> till some poyntis being put and mendit,<sup>3</sup> all sould be sent back againe to be given out in forme. And this was supposit to be death to<sup>4</sup> the Moderator, quho, in his wisdome, thinking to pleise both King and Kirk, had thankes of none.

Bisschope Law, being at Londoun, abassit himselff to visit the Britherine deteinit thair; and coming quhere Mr James Balfour and Mr James Melvill lay, begouth<sup>5</sup> to expoune to thame the strait ordour takin with Papists at the Conventioun at Lithgow. Mr James Balfour sayis, "*In nomine Domini incipit omne malum!*" This is pretendit, bot the dint (as yit, hes bein a long tyme) will lycht<sup>6</sup> on the Kirk, Discipline, and standeres by of the same." Quoth the Bisschope, "They sall call me a false knave, and never to be believit againe, iff the Papistis be not sua handleit as they wer never in Scotland!" "That may weill be," said Mr James Balfoure. In reassouneing with Mr James Melville he did tak a great and terribill attestatioun that he knew nothing of ony purpose the King had to alter and translait the Discipline and Governement of the Kirk of Scotland, but only to seik the provisioun and estimatioun thairoff; vindicating the same from contempt and poverty; and thairfor they ar far to be blamed quho suspectit his Majestie and his Breitherine's proceedinges: "Nay," said the uthir, "the King, boith by word and wryt, hes uttirit his mynde plainely; but ye deall deceitfully, deceaving yourselfes and utheris; but God by tyme will mak all manifest ane day!"

#### M.DC.VII.

Upon Tuysday, the third of Marche, the Britherin deteinit wer chairgit of new againe, but in a new maner, to goe to the Bisschoppes

<sup>1</sup> Wyte, blame.

<sup>2</sup> Adv. MSS. "goe further."

<sup>3</sup> *Ib.* "in a better order."

<sup>4</sup> *Ib.* "the deid of."

<sup>5</sup> Began.

<sup>6</sup> Alight, fall.

house. The maner of ane I will sett down, for example of the rest. One Williame Sanderes come the day befor to Mr James Melvill's chalmer, and schew him that he wes directit be one of the Clerkes of the Counsel, nameit Sir Anthonie Ashlye, to delyver to him the coppie of a Lettre from the Counsel to the Bisschope of Duresme,<sup>1</sup> and to desyre the said Mr James, in the Kingis name, to goe with him to the said Bisschope. Mr James askit the fellow, iff he wald deliver a Lettre of his to him that sent him? quho said, he wald. So he wryt to Sir Anthonie, as followis :

[LETTER MR JAMES MELVILL TO SIR ANTHONY ASHLEY.]

“ My dewtie premitted,<sup>2</sup> Pleis your Worschip, understand, that one Williame Sanderes come to me this morneing, directit, as he doth affirme, from your Worschip, with a Lettre of the most Hon-orabill Counsel of England to the Bischop of Durrahame, requyring him to ressaive me into his hous, and give me guid and kynd inter-tainment; and addith farder, that he had directioun to chairge me, in the Kingis name, to goe with him to the said Bisschoppe; quhairoff, quhen I had askit his warrand, he said he had non, but only directioun from your Worschip. Quhairfor, I haiff takin the boldnes to wrytt thir few lynes to your Worschip, quhairby I wauld humbly craiff of your courtesie, to understand quhat this matter sould mein, being verie strange to me; being sent for by a verie loving Missive Lettre from his Majestie, to come from my awin countrie, waiting, calling, and attending, thir six monethes past, on his Majestie's plesoure, to my great chaarges; not being ac-susit of any misbehaviour or cryme, to be chairgit to becume a do-mestick to a Bisschope in England, knawin to be of a contrair affectioun and oppinion of the Governement of the Kirk and Dis-cipline thairof, quhilk I tak to be ane harder punischment than im-prissounement or banishment: And as concerneing the non-satis-factioun of his Majestie in sindry poyntis, quhilk his Majestie ex-

<sup>1</sup> Durham.

<sup>2</sup> Premised.

pectit, and reclaimeing of us from such opiniounes, quhilk we ar al-  
 ledgit to hould, repugnant to the guid governement of the Kirk,  
 mentionit in the narratioun of the Counselis Lettre, thais can be no  
 such imputatiounes as deserve punischment; for quho can satisfie  
 forder nor they ar able, be thair judgement and conscience? And  
 quhat opinioun held we the Governement of our Kirk, uthir then  
 that quhilk hes bein establischt in our Kirk of Scotland thais many  
 yeiris bypast, and that by the warrand of the Word of God, his  
 Majesteis lawis of the realme professit, subscrivit, and sworne, both  
 by the Kingis Majestie and hail Estaitis of the Kingdome of Scot-  
 land? May it please your Worschip, thairfoir, to ressaive the infor-  
 matioun of the order of this proceeding, that I may understand  
 the nature thairoff, for giveing willing obedience in patient suffer-  
 ing in all thingis dew I can, as I am most willing to rander obe-  
 dience, in all humilitie, to his Majestie and most honourabill Counsel,  
 with all humble thankfulnes for thair cair, dilligence, and courtesie,  
 though I am most unwilling to precipitat the caus of our Kirk, or  
 evin my awin poore conscience, persoun, and honnestie, in unneces-  
 sarie uncoacted bussines, suffering danger or disgrace: *Et si quid*  
*morte gravius imponitur mortem oppetere potius ducimus.* So, most  
 humbly and most earnestlie requyring your Worschipsis answer [of  
 courtesie, I commend yow to God. Blackfriars, the 3 of Marche  
 1607.<sup>1</sup>] Your Worschipsis,<sup>2</sup> as all dutie requyres,

“JAMES MELVILL.”

The gentleman very courteslie returnit his answer as followis:<sup>3</sup>

“MR JAMES MELVILL,—Quhairas by your Lettre, ye request<sup>4</sup>  
 to ressaive of me such ane order and directioun as hes bein prescryvit  
 be the Lordis of his Majestie’s Privie Counsel concerneing your  
 present goeing to the Bisschope off Durrhame, I pray yow under-  
 stand, that I knaw of no uthir nor is conteinit in thair Lordschipsis  
 Lettres, directit to the Bischope off Durrhame, quhairof I sent yow

<sup>1</sup> Omitted in Adv. MSS.  
 “in the morning after, in these wördis.”

<sup>2</sup> Univ. MS. “Wisdomes.”

<sup>3</sup> Adv. MSS.

<sup>4</sup> *Ib.* “yow are earnest.”

a true coppie undir my hand, for your better satisfioun; quhair-  
unto, in my oppinioun, ye sall doe weill to obey and conforme your  
selff, as is requyrit, the rather of that becaus yow sie thair is nothing  
meinit thairby towardis yow but kynd and loveing intertainement,  
sic as is meitt for a gentillman lyk yow.<sup>1</sup> No doubt, his Majes-  
tie will tak a speciall notice of your willing obedience in this behalff;  
as, on the uthir syd, he may be movit on the contraire, in cais of  
your obstinacie, quhilk I would wische yow to avoyde by all meines  
possibil. Yow may wysely conceive mor nor then is fitt for me  
to wrytt in a matter of this nature. *Cor Regis in manu Domini.*  
And evin sua I commend yow to Godis mercifull and saiff keippeing.  
From the Court of Quhythall, this feard<sup>2</sup> of March, 1607.

“ Your loving freind,                      ANT. ASHLEY.”

FOLLOWIS THE BISSCHOPPE OF DURRHAM HIS LETTRE SENT TO  
HIM FROM THE COUNSEL.

“ Efter our verie hairtlie commendatiounes to your Lordschip :  
Quhairas six or seven of the Ministeres of Scotland, haifeing bein  
specially sent for by the Kingis Majestie, on sum such occasiounes  
as doe gryttlie tend to the quyet estait of the Kirk, hes not givin  
his Hines that satisfioun, in sundrie poyntis, quhilk he expectit ;  
and in regaird thair of ar not to returne home againe to thair coun-  
trie, forasmeikle as his Majestie, in his most princely cair for the  
settling of the Kirkes effaires of that kingdome, is verie desyreous  
to haif these said parties reclaimed from such opiniounes, quhilk  
they hold repugnant to the guid government of the Kirk, and  
not one ar fitter for that purpose nor his grave and learnit Bis-  
schoppes, alseweill by tham selff as by the assistance of uthir learnit  
men, about and neir thame, quhom they knaw fitt to be imployit  
in sic a work : We, by his Majestie's directioun, doe desyre your  
Lordschip to ressaive to your hous Mr James Melvill, ane of the  
said Ministeres, to give kynd and guid intertainement for him self

<sup>1</sup> Adv. MSS. “ of your sort.”

<sup>2</sup> Fourth.



and his servant, quhill he sall remaine with yow : Letting yow funder to knaw, that it is not his Majestie's mynd to send him to yow as a prissouner, and to be in any wayes keipit or restranit, althought we doubt not but your Lordschip, in your wisdom, and Mr Melvill, in his discretioun, will so interprett his Majestie's plesoure, as that neither of yow will permitt any accesse of discontent and of factiounes and scismaticall persounes, quhilk mycht nocht only hinder that guid successe quhilk his Majestie does houe to find thairby, but lykwayis, to tend to sume funder inconveniencis to be pretendit<sup>1</sup> by your Lordschip. And so we bid your Lordschip verie weil to fair.<sup>2</sup> From the Court at Quhythall, the 28 of February 1607.

(Signit by)

" LORD TREASSOURER.

L. CHANCELER.

LORD [ARCHIEBISHOP OF<sup>3</sup>] CAN-  
TERBURY.

D. LENNOX.

L. ADMIRALL.

L. CHALMERANE.<sup>4</sup>

EARLE SHREUSBURIE.

E. WORCHESTER.

E. NORTHAMPTOUNE.<sup>5</sup>

E. SALLISBERRIE.

L. STAINHOUE.

Mr SECRETER HARBART."

(Directit to) "The Lord Bisschope of Durhame."

" *Concordat cum originali,*

AN. ASHLAYE."

Wednesday, the fourth of Marche, Mr James [Melvill,] knowing the Bisschope of Durhame to be at Durrhame hous, and haiffing the officer waiting on him, thought to goe to the Bisschope to testifie his obedience to the King; but thairwith to perswad and desyre the Bischope, iff he wer wyse, to concurr with him in suit to be frie of such a ghaist: And so, accompaneit with Mr Williame Scott, we went to him, and tauld him he wes come to testifie the dispositioun of his heart inclynit and bent alwayis to rander obedience to the Kingis Majestie in all thingis dew; but thairwith to requiest his Lordschip to joyne with him in supplicatioun and dealing with his

<sup>1</sup> Adv. MSS. "prevented."

<sup>2</sup> *Ib.* "farewell."

<sup>3</sup> Supplied from Adv. MSS.

<sup>4</sup> *Ib.* "Chambell," viz., the Lord Chamberlain.

<sup>5</sup> *Ib.* "Mortoune."

Majestie and honorabill Counsel to haif licence to goe home, quhair he had ane honnest hous, calling, and vocatioun, and familie to attend upoun, and not on uthir menis tablis ; for he had evir bein accustomed withall to give rather than to take of any ; and truely it wes not fitt that he sould be his hostler and he his guest, being sua farr different in stait and opinioun, the quhilk wauld breid but cauld affectioun ; and how unpleasant would the societie be, quhair thair wes throuchtnes of opiniounes, his Wisdome mycht easiely consider ; eikand<sup>1</sup> heirto that he wes a man subject to manifold seiknes and diseases,<sup>2</sup> and could not trouble the hous of a stranger, and such a nobill Prelatt ; furder, he being a man professing the cuir of many saulis, sould take pietie of many thousand saulis in the Kirk of Scotland, that laked the comfort of their persounes [Pastors] detained so long from them in England.

His answer was sillie and confuseit, to this effect : That, sieing it wes his Majestie's and Counsellis will, he sould be welcome to his hous ; he sould prepair him a chalmer and a gardein ; but he behovit to put a gentilman out of his chalmer for his caus, and that his man behovit to be with that gentleman his man ; and sume such trifelingis. Mr James besought him not to doe sua, for he com not to England to displace any man, gentle or semple. He thankit God he had housses and chalmeres of his awin in Scotland, quhairin he wes accustomit to ludge and plesour gentilmen, and not to displace thame : And, thairfoir, in that respect and utheris, he had alleadged he would rathir concurr with us in satisfieing the King and Counsel, quhairby he mycht be frie of such a burdein. " Weill," said the Bisschope, " but quhat do ye talk of sua many peiple committit to your chairge and ministrie ? Is not the peiple the Kingis, and haiff ye not your ministerie of him ; so that if it pleise the King to withhauld yow, and ruel his people utherwayis, ye should be content to obey ? " " We must," said he, " be content, and suffer patientlie ; bot the peiple is the Lordis, and thair saulis they wer the price of Chrystis pretious blood ; and for our ministerie, in the

<sup>1</sup> Adding, subjoining.

<sup>2</sup> Adv. MSS. "many infirmities."

chairge thairoff, we haiff it not of the King, nor no pairt thairoff, bot off Chryst and his Church, and is much unlyke your Bisschoprickis, quhilk ar the inventioun of men, and so givin and taken be men !”

By that occasioun, he would haif bein farther at the mayne poynt concerneing the Governement of the Kirk by the King and Bisschoppes, and not Presbyteries and Assemblies conveyit without the Kingis licence ; but he tauld him that would require a gryter tyme ; yet the Bisschoppes must use sume arguments, viz., that he had studeit Divinitie for so many yeiris, he had read all that could be said and wes written of that matter ; he wes ane old Doctor ; had bein sua oftymes Vice-Chanceler of the Universitie of Oxford. And sicklyk Mr James told him, plainly and schortly, that all that proved nor concludit nothing : It would be stronger reassounes that would reclaime thame iff they come to the Schooles. So, upon promyses that we sould come and dyne with him upoun Settirday nixt, we tuk our leive : But, befor Settirday, one quho attendit him and us, quhom he would haiff cautioner (forsuith) for our comming to dinner, preventit our comming, and tauld us that my Lord wes not provydit for us as yit, and could not be at hame quhill the nixt weik.

Upon the Sabbath nixt following, (for on that day the Counsel sitis ordinarily, and meit together, and on no uthir day of the weik,) we pennit and gave in to the Counsel the Supplicatioun following :

THE SCOTIS MINISTERES' SUPPLICATION GIVIN IN TO THE COUNSELL OF ENGLAND THE 8TH OF MARCH 1607.

“ Rycht Honourabill, and our most singulare guid Lordis, &c. May it pleas your Honouris, of your commoun equitie towardis all, and speciall courtessie usit towardis strangeres, to heir us, Ministeres of the Evangell of Jesus Chryst within the Kirk of Scotland, and undersubscryvand : That quhairas we wer brought from our countrie and calling by speciall Missive Lettres, directit from

the Kingis most excellent Majestie, and deliverit to ilk ane of us in particular, quhairby his Heines willed and commandit us, all excuisses sett apairt, to repair to his Heines befor the 17 of September last bypast, for the weill of the Kirk of Scotland ; and notwithstanding that diverse of us wer of guid age, subject to seiknes and diseases of body, and all of us had just and weightie matter of just excuiss ; yit, understanding also, by his Majestie's speciall Counsellor in thais matteres, that it wes his Heines' plesoure, evin for a great benefit to our Kirk, we sould in any cais repair to his Majestie and sie his face, by the mercifull hand of God with us, all wer inableit, and presentit our selfis befor his Majestie the day appointit, at Hamp-toun Court ; quhair, with all humilitie, eftir the weaknes<sup>1</sup> of our judgment and conscience, answering to such thingis as it pleiseit his Majestie to requyre and propoun unto us : We wer from that gratusely dismissit to attend his Majestie's further pleisoure at Londoun, quhair diverse sort of seiknes and diseases of bodie, but meikle moir with great heavines, and grief, and vexatioun of mynd, by reasone of the chairge and burden of moir then twenty thousand saules lyand on our ministerie, besyd the numerous pure families, quhairoff, iff we sould not haif a cair, we ar judgit by the Apostle worse nor infidelis.

"We haiff, with such patience as we could, wrestled throucht the longsume winter, and now quhen, eftir many Supplicatiounes, directit with all cair, reverence, and humilitie to his maist gratus and excellent Majestie, we luikit for a comfortabill dismission, and sending home to our countrie, callingis, and families, we find that thair is certain Inglischmen, [calling thame Officeres and Purservantis, directit, as they say, be the Clerkis of<sup>2</sup>] the Secreit Counsel to chairge us in the Kingis name to goe with thame to certain Bisschopes of the Church of England ; and shawing us a coppie of your Honoures' Lettres of Requeist to the saidis Bisschoppes to ressaive us in thair hous : The quhilk chairge, baith in forme and substance, we think very strainge, being frie Scotismen, and Pastouris of the rycht Reformit Kirk, and long renowned in the realme ;

<sup>1</sup> Adv. MSS. "verdicts."

<sup>2</sup> Not in Adv. MSS. "sent from," &c.

and againes the quhilk, we haif just caus, and necessitie compellis us, to except<sup>1</sup> and protest, we knawing certainly that nethir his Majestie's hight honour, that loves judgment, and quho, in maner fairsaid, gratically callit us hither, nor yit your commoun honnest equitie, the rycht and privedgis of natiounes, substance, or forme of justice, (quhair of your Honouris ar most observant,) can or will approve the same: Lykas, the cair quhilk we carie towardis the caus of our Chryst and his Kirk, and the pure honnestie quhilk we sustein in our callingis and persounes, makis us to tak it as a punischment inflictit upoun us, harder nor either imprisounment at home, and banischment in forrain places and pairtis; the quhilk we ar assuirit that the hight honour of our gratiouse and excellent King, quho loves rycht, and your Honouris Ministeres of justice, wald evir have imposit on us: And *indicta causa*, if we haif perpetratit any thing againes his Majestie, the Estait, or lawis of the realme, justice would we sould be orderly tryt, judgit, and punischit, but if our carriage and conversatioun hes bein yit unacusicit, meikle les condemnit, quhy sould we losse our libertie, dishonour and obscure the estimatioun of our Kirk, and blott our awin honnestie, quhilk is pure?—making our selffes of our Masteris bundemen, dayely approveres of that, to the appeirance of men, quhilk our Kirk condemnis; and burdin all loittereres, feiding idille-bellies<sup>2</sup> at the tabillis of strangeres, haifing honnest callingis, provisioun and housses, quhairby to live as Pastouris of Congregatiounes and fateres of families at home. As tuiching thais imputatiounes, quhilk we haiff not givin satisfactioun to his Majestie, (as far as we could,) as his Hightnes expectit, and that we hould opiniounes repugnant to the guid Gouvernement of the Kirk, we haif truely indeavourit,<sup>3</sup> boith by word and wrytt, to satisfie his Majestie as we could, and sould we satisfie forder nor our consciences or judgmentis affordeth?<sup>4</sup> Iff it pleis your Lordschipis, we would most glaidly understand quhilk ar thais opiniounes we hould repugnant to the guid Gouvernement of the Kirk of Scotland, to the end, that if thair be any such, (quhair off we knaw non,) at his Majestie's com-

<sup>1</sup> Adv. MSS. "object."<sup>2</sup> *Ib.* "like bellie-gods."<sup>3</sup> *Ib.* "labourit."<sup>4</sup> *Ib.* "assenteth."

mand, by admonitioun of our awin Kirk, we may abandoun the same, and not trouble the Lord Bisschopis of England.

"We haif forder to regrait [and] caus to bewaill the heavie seiknes of sume of us, the languischeing mynd of us all, to say nothing of the great chairge we ar at, with great greiff to remember the impairing of our estait at home, haifeing attendit his Majestie's plesoure thais sevin monethis: But commending all to the wyse consideratioun of your Honouris' universalie rememberit<sup>1</sup> discretioun, integritie, equitie, courtesie, and merciefull dealling, we will no longer detein your Honouris; but, in the great ocean of our sorow and greiff, desyris to be fred of the danger of the imminent tempest upon the appeirance of safetie in seiking that heavin of your Honouris' compassioun, quhair so many hes bein safeit from schippwrack; namely, becaus it hes plesit his Majestie to give directioun to your Honouris annent our matteres, noways, as we ar perswadit, to prejudice the priviledges, and fridome, and liberties of our natioun. In the name of the Almychtie God, and for the caus of the Lord Jesus Chryst, quhom all your Honouris doe love and feir, and quhois Messengeris and Ministeres we ar, doe intreat and besich your Honouris, in all dewtifull submissee reverence, that by your mediatioun and intercessioun with his most clement, and most gracious Majestie, sume relieff of thir our present misereis may be obteneit, and we dismissit and sent home, to the confort of our flockes and families, thair to pray to God incessantly for his most excellent Majestie, his Quein and Royall progenie, for yow the Lordis of his most honourabill Counsel, for the mantinence of his Hightnes' kingdomes and dominiounes in peax and unitie, in Jesus Chryst: To quhois grace and merciefull protectioun we committ your Honouris. Houpeing to heir quhat guid respect it sall please your Honouris to haiff of our Supplicatioun, We rest, your Honouris' pure Supplicantis,<sup>2</sup>

" JAMES BALFOUR.	JAMES MELVILL.	WILLIAM WATSOUN.
ROBERT WALLACE.	ADAM COLT.	WILLIAM SCOTT."

<sup>1</sup> Adv. MSS. "renowned."

<sup>2</sup> *Ib.* "humble servants."

The Supplicatiounes was takin by the Counsell out of the Erle of Salisberrie's hand, and deliverit to the Archbisschope, to make answer to the samyne; quho sent for tuo of our number to cume and speik with him. So Mr James Melvill and Mr William Scott went to Lambeth, on Mononday the seventh of Marche. The Archbisschop puting all out of the chalmer but us alone,<sup>1</sup> laying his capp, quhilk wes turnit, asyd, with great reverence did schaw us that the Kingis Majestie, letting us and the Counsell to understand that it wes not his plesoure yit that we sould be licenceit to goe home to Scotland; and willing us to be weill interteined in the mein tyme, had requyrit the Counsel to direct us to sume of the principall of the Clergie, as most fitt to intertein men of our calling; thairfoir, the Counsel directit Lettres to sume of the Bisschopes to recommend us to thame, and that the Messengeres sent us wer not Purservantis to chairge us, bot servantis to the King and Counsel, apoyntit to be our convoy to such places quhair we sould be weill ressavit and interteinit: But if either the servantis, quhilk, eftir the commoun sort, mycht be rude and indiscreit, had usit us uthirwayis than became, or that we feirit that the Bisschoppes, to quhom we wer recommendit, wald not lovinglie ressaive us, and use us kyndlie and curtesely, let him knaw it, and he sould remeid it, and be warrantabill for the samyne.

Our answer wes, "We could acquyt<sup>2</sup> nowayis his Majestie's Counsellis' cair and courtesie towardis us bot by our poore prayeris; yit, sieing no injurie wes worse nor compulsatorie courtesie, iff it wes his Majestie's counsel<sup>3</sup> we sould stay longer, we would wisch it wer his Majestie's plesoure also to suffer us to continowe and attend his Majestie's leasure upon our awin coist and chairge, as we had donne sume<sup>4</sup> monethis, and not to truble such men, quhom to we could neither be pleisaunt ghaistis, nethir they pleisand hostis to us: We wer men that had honnest housses and tabilis of our awin, according to the faschioun of our awin countrie, and con-

<sup>1</sup> Adv. MSS. "bot his own page."  
"pleasure."

<sup>4</sup> *Ib.* "sevin."

<sup>2</sup> Requite, repay.

<sup>3</sup> Adv. MSS.

ditious of our callingis, quho wer accustomit to give moir meit nor to take, and diverse of us agit, seiklie, and disseasit, to quhom it wer not fitt to tye to the dyatis of uthiris, nor that men of such honour and worschippe sould be trublit with ; for it is evident that quhair oppiniounes differes thair affectiounes can not be sound."

"Trewlie," sayes the Archbisschope, "ye speik truth and lyk honnest men, as ye ar ; and I doe think, my Breither, that the Bisschoppes would haif litle pleisoure of yow, except to pleisoure the Kingis Majestie ; for our custome is, eftir our serious matteres, to refresche our selffis ane hour or two with cairdis and uthir games after mailis,<sup>1</sup> and ye are mair preceis ; but it wer guid the King sould be satisfieit to further his Royall indeavour to unite us togider in one Kirk and Policie." "We doe think the same," say we, "sa that the ground of the Unioun, quhilk is the truth of Godis Word, and fundamentall lawis of equitie and pollicie, be keipit ; but quhair a Kirk and Kingdome is solidlie and of long standing buildit on thais, it is dangerous to seik ane alteratioun, and thair is no Unioun can be maid to stand sure without that ; for, the ground being schakin, will mak of that<sup>2</sup> tuentie peices."

"I knaw your meining, Mr Melvill," (sayis the Bisschope,) "by the Lettre sent to Mr Ashely, quhilk I haif in my pocket now ; but we will not reassoun that matter : But I am sure we doe boith hauld and keipe the trew groundis of Religioun, and are Britherine in Chryst, and sua sould behaif our selffis one towardis ane uthir. Our difference is only in the Governeing of the Kirk and sume ceremonies ; but I understand, since ye come from Scotland, your Kirk is alwayis<sup>3</sup> brought to be one with ours in that alsoe ; for I am certifieit that thair is Constant Moderatoris appoyntit in your Generall Assemblies, Synodis, and Presbyteries, evin as I am highest under the King in this Kirk, and yit am nothing above the rest of my Brither, the Bisschoppis, but in pain and travel ; so that I wes in a bettir estait quhen I wes but Richard Bancroft, evin as ane Standing Moderator of that Generall Assemblie, or as Maister

<sup>1</sup> Meals.<sup>2</sup> Adv. MSS. "one."<sup>3</sup> *Ib.* "almost."



Patrick Galloway, or sic utheris as ar in Scotland ; and in every Province and Dyosie thair is a Bisschoppe, a Moderator of a Chapter, or a Presbyterie, answerabill all to the King," &c. Mr William Scot beganne, upon this, a wise and solid conference and discourse, saying and laying sic groundis as mycht beir upe a suir and graiv worke ; and making mentioun of our dewtie to Chryst and a guid conscience. The Archbisschope smyling, and chapping<sup>1</sup> on his arme, said, "Tush, man ! Tak heir a coupe of guid seck !" And sua, filling the coupe, and haulding the napkin in his hand him self, he maid us drink. And it being now lait, and neir sex houris of the clock eftirnoone, eftir many guid wordis and fair offeris of all he could doe at the Kingis hand for us to obtain our libertie, he sent us away ; and we wer no moir trublit with that matter of goeing to Bischopis againe.

Againe, the 26 of March, a Messenger of his Majestie's Chalmer come to the Deane of Paulis hous to Mr Andro Melvill, quho eftir uttering of his commissioun by word and writ, and subscriyvit the chairge following :

"MR MELVIN,—I am commandit by the Lordis of his Majestie's Privie Counsel to cum to yow, and goe with yow to my Lord Bisschoppe of Winchester, by thair commandement, becaus it is his Majestie's plesoure, that thair ye sould remaine for a tyme, till his Majestie's plesoure be farder knawin : And so rest your self contentit to goe with me, being one of the Messengeres of his Majestie's Chalmer. By me,

"WILLIAM WATERTOUNE."

Mr Andrew thought this a warrand guid aneucht to leive the Deane of Paulis hous ; but he wes not trubleit with this Messenger eftir this ; and so forgott to goe to his appoyntit Bisschope, but keipit on with us all Marche and Apprill.

The proceeding of the Synod at Perth, [Fife,<sup>2</sup>] Aprile 8, 1607, wes come to Court ; and, thairfoir, heir to be registrat :

<sup>1</sup> Tapping, patting.

<sup>2</sup> Univ. MS.

[PROCEEDINGS OF THE SYNOD OF PERTH,<sup>1</sup> APRIL 8, 1607.]

“ The Synod of Perth hauldin within the Kirk thairroff. Mr William Row maid the doctrin upon the seventh of Amos, concerning the Bisschoppis of Bethel,<sup>2</sup> quhairin he solidlie and touchingly handlet matteres present. The Lord of Scoone, Commissiouner from the King, desyrit the Assemblie to stay a quhill upon him till he might be at leasur eftir dinner ; but they, keipeing the order, proceidit to the electioun of the Moderator, and haifing gatherit the voitis of tua Presbyteries, word goes to my Lord, quho, cumming in haist, complanit they had done him wrong that stayed not till he had produceit his Commissioun. It was ansuerit that the Moderator, quhois office it wes to ressaive Commissiounes, wes not yit chosin, and thairfoir would proceid. He began to boast<sup>3</sup> that he would stay and dischaarge the Assemblie if they would not reid his Commissiounes, quhairof he had tuo ; the one from the Counsel to himself, the Lord Halirudhous, the Lairdis of Balwaird, Balmanow, and ane uthir from his Majestie to him and Mr James Nicolsoun, quho wes not present. The Commissiounne bure to sie four Constant Moderatoris of the Presbyteries put on leit, according to the ordinance of the Generall Assemblie. The Assembly craivit the sight of that act, quhilk could not be produceit, and thairfoir they could give no answer thairto. Moirovir, they schew that diverse of thair number, quho wer at the Conventioun of Lithgow, declairit that they hard not sic a thing mentiounit, let be inactit ;<sup>4</sup> only Mr Alexander Lindsay (eftir a Bischoppe) said, ‘ It wes anis castin in at the tail of ane uthir matter, he knew not how.’ One askis him, ‘ Iff confusitlie ? ’ ‘ Yes,’ couth<sup>5</sup> he. Quhilk gaiff ane occasioun of lauchter, that sic confussioun sould trouble thame ! Quhen all this wes done, Scoone wald not suffer thame to proceid ; how-

<sup>1</sup> Univ. MS. inaccurately reads “ Fyff.”      <sup>2</sup> It is probable that Mr William Row insisted chiefly on Amos vii. 18, “ Prophesey not again any more at Beth-el: for it is the King’s Chapel, and it is the King’s Court.”      <sup>3</sup> Threaten.      <sup>4</sup> Adv. MSS. “ much less then actit.”      <sup>5</sup> Quoth.

beit, in all humilitie and sober maner, they intreitit him not to disturb the meittingis of God's servants, nor bring sic a scandal on the contrie, and sua upoun himself; yit he persistit, and usit menacing and boasting, repeiting evir, they should not make Lawristoun<sup>1</sup> of him! The Assemblie, weirieit, refferit him to tak advysment that nicht to a bettir resolutioun, and offerit any of the Breitherin he pleisit to conferr with him, aftir humble prayer to God, with great earnestnes, and motioun for strenth and courage, they dissolvit.

"Upon the morne, Scoone wes cum west,<sup>2</sup> and would neidis discharge the Assembly, affirmeing that he had power so to doe; and so bringis in his secret Commissioun, givin to him and a Reverent Father, James Bisschop of Dunkeld. This wes Mr James Nicolson, quhom to heir so nameit, the Assemblie wes all astonied, and cryeit out, 'It wes not credibil that that man, quho had bein so farr againes that corruptioun all his tyme, and utterit himself so to be, at the Conventioun of Lithgow last past, quhair he wes Moderator, sould carie that title and stile; or, iff he did, it did not become a Reverend Father to reverence the Kingis Majestie's commandement in assisting and ovirsieing that Assemblie!' Yit the Commissioun wes red, beiring that they sould tak heid that thair sould be nothing done in that Assemblie contrair to the Kingis Majestie's intentioun; and that the thingis done at the Generall Assemblie conveyit last at Lithgow sould be obeyit, and na wayis impugnit, else<sup>3</sup> they sould oppone thamselffis thairto: And, thairfor, sieing they would proceed in the contraire, he would discharge the Assemblie.

"They schew him he had no warrand, and his Commissioun careit no such mater. If it sould pleis him to mak oppositioun by

<sup>1</sup> This allusion is to Sir Alexander Straiton of Laurenstoun, Knight, one of the Commissioners for the Union of England and Scotland, July 11, 1604, who frequently occurs in the preceding parts of the Continuation to the present volume. A Letter of Gift and Pension for all the days of his life of the blench-duty of the lordship of Scoon, extending to 1000 merks, was ratified to him by Parliament, July 11, 1606. He was appointed to represent the King in all Ecclesiastical Judicatories. See *Pizcairn's Criminal Trials*, II. 495, n.

<sup>2</sup> Adv. MSS. "becomes worse."

<sup>3</sup> Otherwise.

reassoun, it could be answerit<sup>1</sup> or obeyit. The questioun wes thairfor movit,<sup>2</sup> Quhither they sould proceed according to the old maner establischt and confirmeit by law and custome, or alter according to the alledgit new act, quhilk wes justlie doubtit of, and could not be produceit? It wes concludit by uniforme consent of thame all, except ane singular man, Archibald Moncreiff, that they should keipe thair old<sup>3</sup> forme; quhereat Scoone ragit without reassoun, cryeing for the Bailies to remove thame. They, nothing movit at his boastis,<sup>4</sup> first askit his conjointit<sup>5</sup> Commissiouneris foirsaid, if it wes thair will to dischairge the Assemblie? They answerit, They had no such Commissioun. Nixt, they gravely chairgit Scoone, in the name of the Lord Jesus Chryst, by quhois power and auctoritie they wer conveyit, not to truble that meitting; appealing him befor the tribunall of God, and remembering him quhat judgments of God had lighted on those quho had bein disturberes and troublers of the Kirk in tymes bypast, nameing to him diverse quhom he knew; but he in a furie knocking on his breist, exclaimit, 'Thair is no Jesus heir!' For the quhilk, ethir his miserabill confessioun if he meinit of himself, or blasphemie if he spak of the Assemblie, conveyit and fensit in the name of Jesus Chryst, by the Word and prayer, they with power rebuikit him every ane, as God ministerit grace, that he wes so perplexit and dascht that he had not a word to speik! At last he beganne to use violence, and to pull the catalogue out of the Moderatoris hand, quho said to him, 'Ceis, my Lord, we will not be boistit<sup>6</sup> from doeing of our office under the Lord Jesus Chryst, for we ar his servantis and guid-fellowis too: Think not your terroris will move us!'

"So, notwithstanding he raigit, the Moderator wes chosine, Mr Henrie Livingstoun, quhom Scoone preissit<sup>7</sup> to haif had out of the chyre, sitting doune himself in the same, and dischairgeing Mr Henrie from using that office: Quho answerit, He wes chosine and chairgeit thairto be a greater, evin the voyce of Chrystis Kirk,

<sup>1</sup> Adv. MSS. "reasoned."<sup>2</sup> *Ib.* "askit."<sup>3</sup> *Ib.* "owne."<sup>4</sup> "Threats."<sup>5</sup> *Ib.* "fellow."<sup>6</sup> *Ib.* "debarred."<sup>7</sup> *Ib.* "promised."

quho wes Chrystis awin voyce; and, thairfoir, would obey [Him.] As for the chyre, and high place or heid of the boord,<sup>1</sup> it wes a thing indifferent; let his Lordschip keipe it, if he would sit at the table amongis his Brither! Then Scoone commandit his men to pull away the burd: And the Moderator with the Britherin goeing to prayer, according to the order, Scoone disturbis them, and preissing to overthrow the tabill upoun thame, pulling away the stulis, and cryeing for the Baillies, lyk ane mad man! Nochtwithstanding, they enterit into prayer, and with great motioun continowit thairin, that mycht haif maid the man afraid and aschamit of his godles barberity! The Bailyies cummes; he commandis thame to ring the commoun bell, and remove thais rebellis! The Baillies said they could not, without advyce of the Counsell, quhilk they would goe and conveyn, but they returnit not againe. The Assemblie proceedit according to the order, and removes the Presbytrie of Perth forth for tryel; upon quhom Scoone lockit the doore, and closes thame out; but they, getting entres to a loft,<sup>2</sup> signifieit to thair Brither thair presense from that place; and so proceedit in tryel till nine<sup>3</sup> of the clock, the hour at quhilk they sould dissolve; apoynting to meit againe at ten houres.

"Returneing againe to the place, they fand all the dores closit and shutt. The Baillies come and schew thame that Scoone had done so, and takin the keyes with him, againes thair will and consent; quhairfoir, they wer willing the Assembly sould tak documentis, and thairby offerit to thame another house to sitt in. They answerit, That sieing they wer excludit out of Godis hous, they would make all the world knaw it, that the thing quhilk they did might abid the lycht off the sunne! So, resolveing to sitt at the Kirk-doore, thair wes brought to them with diligence boordis, furmes, and stooles anew; and thair, with great confluence, men regrateing, women weipeing, and curseing the instrumentis of that disturbance of the servantis of God in doeing of thair office, being

<sup>1</sup> Board, table.  
to the choir or quire of the Church.

<sup>2</sup> Gallery.

The Adv. MSS. read "to the queer," that is,

<sup>3</sup> Adv. MSS. "eight."

verie graifely and orderly sett downe with great attendance and silence, the prayer wes wonderfully, and powerfully, and movingly conceivit. Thaireftir the Moderator sayis, ' This is the fruit of thir Meittingis at Lithgow ! Let us sie quho hes admittit Moderatoris not of thair awin choyseing in any of our Presbytries ? ' None was found but Perth, quho shew how they wer urged thairto, and wer willing to be censureit thairfoir, and injoynit : *2dly*, Sieing it is said that the Brither deteineit in England holdis opiniounes againes the Governement of the Kirk, they would declair thair judgment<sup>1</sup> with thame, appoyntit a confortabill Lettre to be written to the said Britherin, with all humble Supplicatioun to the Kingis Majestie to send thame haim : *3dly*, Leist the Presbytries sould be tempted with prievy Lettres, they maid chuse of thrie Commissiouneris to the Generall Assemblie, (quhilk they supposit sould be hauldin at Edinbruche the last day of July nixt, as wes apoyntit at Lithgow,) out of ilk Presbytrie : And, *last*, because Scoone had boastit<sup>2</sup> to chairge thame befor the Counsel, they appoyntit foure<sup>3</sup> of thair number to await on the first Counsel day, and to complaine upon him for his blasphemie, disturbance, and violence. And so they depairted with great joy and contentment, thanking God for his most gracious and comfortable assistance.

" The redres quhilk we gatt at the Counsel wes the denunceing to the horne of the most pairt of thame, speciallie those of thame that dissobeyit the Kingis Commissiouner, as namely of us, Mr Williame Rowe, quho wes much sought for, to be apprehended and imprissouneit ; so that he was faine, with many foule steppis, to lurk heir and thair amongis his freindis ; but evir with courage and great edificatioun<sup>4</sup> quhair he come."

The 23 of Apryl wes St George day, quhilk wes keipit at Court with great superstitioun and vaintie : The report quhair of coming to the eares of Mr Andro Melvill, his spirit was irritat and much incensit within him, as wes Paulis, quhen he saw the citie of

<sup>1</sup> Adv. MSS. " agreement."

<sup>2</sup> Threatened.

<sup>3</sup> Adv. MSS. " some."

<sup>4</sup> *Ib.* " exultatione."

Athenes full of idolatrie. On quhilk occasioun he made the verses following :

[VERSES BY MR ANDREW MELVILL.]

Andreas, Christi divinus Apostolus, est qui  
 Nunc Scotos ritus signat Apostolicos :  
 Armenijs, (ut fama,) Georgius, Hæresiarcha,  
 Nunc Anglos ritus signat Apostolicos.  
 Signa, Andreae, ergo sunt nullo Georgi ?  
 Undique Apostolicis, millibus Apostaticis !

[*Translated thus :*]

Saint Andro, Chrystis Appostle trew,  
 Does signe the Scotismenes ritis ;  
 Saint George, Armenian Heresiarch,  
 The Inglichmenes delytis.  
 Let Scotismen, thane, hauld fast the faith !  
 That is holie<sup>1</sup> Appostolicke,  
 Howbeit that Ingland keipes the cours  
 That Papistis<sup>2</sup> Apostaticke.

Upon the 26 of April, being the Sabboth day, betymes, in the morneing, being foulle, ane of my Lord<sup>3</sup> of Salisberrie his men cume to Mr Andro Melvill, lyand at Bow, tuo mylis from Londoun, in Mr Somaris house, and verie courteouselie intreatit him, in his lord and maisteris name, to come to the Court at Quhythall, to my Lordis chalmer, at nyne of the clocke, quhair my Lord wald talk with him ; beseiking him to mak no stay, for my Lord wald attend his comeing. Thairfoir, Mr Andro makis him self readie with diligence, thinking it wes in freindschippe, and that, eftir conference, my Lord would bid him to dinner. Cuming from his chalmer to our ludging, quhair, we nocht being ready, told us, he must goe to Court, and would schortly stay to break his fast ; but haifing

<sup>1</sup> Adv. MSS. "whollie." <sup>2</sup> *Ib.* "That is whollie." <sup>3</sup> *Ib.* "of the yeomen of the Earle."

borrowit the horse of his hoiste, he with his men postit away to Court. Eftir the custom, Mr James Melvill had said ane word to him, "Tak heid that your biding to diner be not a new calling befoir the Counsel!" Mr William Scot, Mr Robert Wallace, [and] Mr James Melvill, followit on fut, and, taking the first convenient boiteing, com by watter to Westminster, quhair, a little eftir elevin of the clock, he come to the hous out of the Palace to James Archesonne's hous, and tauld us how he waittit in a gallerie befoir the Erle of Salisberrie's chalmer since nyne a'clock; and, sieing the Erle and all going to dinner, and he left alone, come to dyne with us: And quhill our buird coverit,<sup>1</sup> and the meitt put thairon, he uttirit to us ane excellent meditatioun, quhilk he had walking in the gallerie, on the second Psalme, joyneing thairwith prayer; quhairby we wer all muche movit; accounting the same in place of our Sabbath foirnoone's exercise, endit, and, sitting down to dinner, he rehersit his St Georgis Verses, with vehement invectioun againes the corruptiounes and superstitiounes of England. Thairfoir, his cousine Mr James sayes to him, "Remember Ovidis verses:

*"Si saperem doctus odissem jure sorores  
Numina cultori pernicioso suo!"*

His answer wes in the verses following:

*"Sed nunc tanta meo comes est insania morbo  
Saxa demens refero rursus addicta pedem."*

"Weill," sayis his cousine, "eit your dinner, and be of good courage, for I sall warrand yow ye salbe befoir the Counsel for your Verses." "Weill," sayis he, "my heart is full and boldenit,<sup>2</sup> and I will be glaid to haif ane occasioun to disburdein it, and speik all my mynd plainely to thame for the dishonouring of Chryst, and wraik of sua many soulis for their doeings; be the beiring down the sin-

<sup>1</sup> Adv. MSS. "table wes drest to dinner."  
I would."

<sup>2</sup> *Ib.* "faint and burdened, and



ceritie and fridom of the Gospel, stoping that healthsome breath of Godis mouth, and maintaining of the Papistis' corruptiounes and superstitiounes." "I warrand yow," sayis Mr James, "they know yow will speik your mynd friely; and, thairfoir, hes concludit to make that a meines to keip yow from going home to Scotland." He answered, "Iff God hes ony thing to doe with me in Scotland more, He will bring me home to Scotland again iff he haiff any service for me: Giff not, let me glorifie him, quhiddir or quhairvir I be; and as I haif said often to yow, cousine, I think God hes sume pairt to play with us on this theatre!" We had not half dyneit quhen one comes to him from Lord Salisberie; to quhom he said, "Sir, I waitted longie upon my Lordis dinner till I waxed verie hungrie, and could not stay longer.<sup>1</sup> I pray my Lord to suffir me to tak a lytle of my awin dinner!" That messenger wes not weill gone quhill<sup>2</sup> againe comes another; soone eftir that, Mr Alexander Hay, the Scottish Secretar, telling him that the Counsel wes long sett, attending him. At the heiring quhairroff, with great motioun, raying, he prayit; and, leiving us at diner, (for we wer expressely chairgit that we come not within the Palice,) went with Mr Alexander Hay, with great commotioun of mynd. This wes sone eftir tuo of the clocke.<sup>3</sup> About three, one of our men, quhom we sent to attend at the Counsel doore, comes to us with tearis, and schew us that he wes carieit direct from the Counsel, by watter, to the Tour. We followit with dilligence, yit could not meit with him by the way, neither could we get accesse to him by any meines.

Upon the 6 of May, the rest of us gettis a Lettre from Mr Alexander Hay; the tennor quhairrof followes:

"Siris, I am directit to mak intimatioun of thais Warrantis to yow. I am forcit my self to mak personal attendence. I haif directit the beirer to schew yow the principallis, quhilk he must retorne, and leive the coppies of thame with yow. I am sua directit. I would wisch the giving to yow of moir contentment than thais

<sup>1</sup> Adv. MSS. "came then away." <sup>2</sup> Until. <sup>3</sup> Adv. MSS. "in with the messenger, about twelve a'clock."

Warrandis affordis, wer it in my power; and without trubling of yow, I rest,

“ Youris evir to his power,

“ The 6 of May, 1607.

ALEXR. HAY.”

THE COPPIE OF MR JAMES MELVINE'S CHAIRGE, QUHO ONLY WES  
CONFYNIT AND DETEAINED IN ENGLAND WITH HIS UNCLE, MR  
ANDRO.

“ JAMES REX.—It is our plesoure and will, and we command and chairge yow heirby, Mr James Melvin, Minister, that upon intimatioune of thais presentis unto him, and within aucht dayes thairefter, he depairt out of the citie of Londoun and liberties of the same, and repair with all convenient speid to our burght of New Castel upon Tyne, within our contrie of Northumberland, and thair to mak his stay and abod; and no way to depairt furth thairroff, and tuo<sup>1</sup> myles about the same, under the paine of rebelloun, and putting him to our horne; certifieing him thairby, that if he transcend his limitit boundis, that lettres of horneing salbe direct to denunce him our rebel, and to escheit and inbring all his moveable goods to our use, &c. Givin att our court at Quhythall, the 10 of May 1607.

(*Sic subscribitur*,)

“ MARR. DUMBAR. SECRETAR.”

Mr James Balfour ressavit the lyk chairge to goe home to Scotland, and to be confynit at Cockburnispathe; Mr Robert Wallace, in lyk maner, to goe home and be confynit at Lawder; Mr William Watsoun, within his awin paroche at Bruntiland; and Mr Adame Colt, within his awin paroche at Mussilburgh; Mr William Scot, as Mr Johne Carmichel befor, upon great meines maid, (becaus of the bodily<sup>2</sup> disease of his wyff,) gat license to goe home to his paroche at Cowper in Fyfe, providing he did returne a testi-

<sup>1</sup> Adv. MSS. “ten.”

<sup>2</sup> *Ib.* “deadly.”

moniall of his guid beheaviour from the Bisschop of Saint Androis, and sume uthiris, uthirwayis to turne back to Londoun befor the 15 day of July. . So the rest taking jurnay, they depairtit hame-wairdis, leiving Mr James Melvin and Mr William Scot at Londoun; quho indeavourit quhat they could for Mr Andro his releiff, bot could obtain nothing, save only that his servant sould entir with him in crosse prissoun.

Mr James insistit, be all the meines and credit he had, to be licencit to stay at Londoun or thairabout, for his uncle's comfort; but at last wes counsellit by his best freindis to desist, and give obedience to his chairge, or then assuredly both he and his uncle would be worse usit. Thus much schewing him the lettres, and provyding for his necessities the best way they could, they resolvit to goe by sie to New Castel. The day they wer to depart, thair come to thair chamber Mr Snape, Mr Balmefurd, parochineres, with Mr Corsbey, a guid brother, apothecarie of calling; quho brought with him a great bag of monie, alse meikle as he could weill carie in his oxter.<sup>1</sup> Mr Snapp, schewing us that some guid Christianes, perceiving our long detentioun at Londoun, unprovvydit for be the King, had maid a collection for defraying of thair chairges, and carrieing thame haime, understanding they tuo wer left to mak outred<sup>2</sup> for thame selffis and the rest of the Britherine quho wer gain<sup>3</sup> away befor. They thankit thame, and all the guid Britherin, but tauld thame that they would haiff non of thair money; not that they despysit thair charitabill liberalitie, for the quhilk they praisit God; bot pairtlie to eschew offence, and pairtlie for conscientious consideratioun. The offence wes a commone bruit,<sup>4</sup> and opinioun among the peiple of England, that all Scotishmen come hither to begg, and purse upe the money of the land, and carie it away with thame; quhilk wes non of our eirrand, quhilk had sufficient to live on, according to our callingis, at haime, and wantit no credite to outred<sup>5</sup> our selffis out of all expenses thair.

<sup>1</sup> Under his arm.  
ment of accounts due by them.

<sup>2</sup> Provision, and furnishings for their journey, and settle-

<sup>3</sup> Gone.

<sup>4</sup> Rumour.

<sup>5</sup> Clear.

[We informed] the conference, that, considering the great number of godly Britherin, lairnit and honnest men of thair awin Ministerie, quhilk [had] thair families bereft of thair livingis and mantinence; and charitie, in this last aige of the world, growing cold, we caryit a dispositioun of heart, rather to procure sume helpe to tham out of our awin countrie, for as poore as it wes, nor<sup>1</sup> to be burdeinabill to them, and to intercept that quhairoff the bestowing wes neidfull to thair awin. The quhilk thair constant refusall, with such reasounes, they heichtly commendit, and gloriefieit God thairfoir. And so, convoyit with a guid number of most loveing and godly Britherin to the Tour-staires, we tuik boitting the 2 of July; and devallit towardis our schippe with verie sorrowfull heartis, becaus of him we left behind us in this danger,<sup>2</sup> and of the scattering and dissipatioun<sup>3</sup> of the money guid Britherin, so firmly joynit togidder in Chryst his caus.

To returne to the proceeding of materes, the nixt Generall Assemblie wes appoyntit by the Conventioun, haldin at Linlithgow, to be keipeit at Halirudhous the last Tuysday of Julie. But thingis not weill succeding as wes expectit, the Assemblie, by public proclamatioun, as in the yeir bygaine, wes prorogat; the tennour quhairoff (with a narrative most bitter, false, and scandalous, that one mycht be aneught, and too many, for all!) followis:

“JAMES, be the grace of God, King of Great Brittain, France, and Ireland, &c.: Forsuameikleas the increse of the adversaris of the truth, and contrair professiounes, hes proceidit of nothing so much as of the dissensioun amonges the Ministerie within our Kingdome of Scotland, sume of thame by natural inclinatioun, being enimies of quyetnes, and turbulent spiritis, making chuse rather to drink in mudie watteres,<sup>4</sup> then to taist of the cleir fountain; being imboldenit be reassounes of the societie of a great many utheris, quho, being guiltie thameselfis of thair awin unworthines and small

<sup>1</sup> Than.

<sup>2</sup> Adv. MSS. “that dungeone,” viz., the Tower of London, from which they were then preparing to embark.

<sup>3</sup> *Ib.* “dispersing.”

<sup>4</sup> Muddy waters.

giftis, and in that respect, out of all houp of preferment, and thair-upoun invyous and uncharitabill towardis thair Britherin of the best qualitie; and all of thame runne and concurr togider, lyk ane heidstrong factioun, to uphold and mantein ane anarchie,<sup>1</sup> and thairby to induce disorder and confusioun in that Kirk, to the great hinderance of the progres of the Gospel, and the dishonour and scandal of the professouris thair of: Quhairupoun, We, of our princely cair and fatherlie affectioun to the peice of the Kirk, desyring rather to extinguishe the fyre of divisioun, then to suffer it to grow to ane confusioun in that Kirk; and being evir willing to bring thame to ane uniformitie of myndis and affectioun, did thair-upoun appoynt a most grave, free, and frequent Assemblie to be keipit at Lithgow, in December last bypast, of a great number of the most godly, zealous, and weil-affectit, of the Nobilitie, Counsel, and small Barrounes, from all the pairtis of that our kingdome, as alsoe the most lairnit, experimentit, wyse, godly, and discreit, of the Ministerie, from all the Presbyteries, in great number; by quhois travelis, caires, and wisdome, every occasioun and pretext of greiff wes in sic moderatioun and godlines removit, that as the same did yeild us contentment, so everie thing done in that Assemblie, with a great and generall applaus of all; giving great houpes that nothing from that tyme furth could be found but unitie and concord in the Kirk, and that all thair meittingis thairefir could be full of peice and love: And thairupoun, by our speciall Warrant and allowance, it wes specially appoyntit that the nixt Generall Assemblie should be conveynit and holdin at Halirudhous the last Tuseday of July nixt to cume. But We, now perceiving, that by the meines of thais evill-disposit, turbulent, and contentious spiritis, all the proceedingis in that Generall Assemblie ar brought in questioun and traduceit, and by sume, no obedience givin, and by utheris, direct<sup>2</sup> oppositioun maid to the actis concludit at that tyme; and thairthrough, among the Britherin, sic distractiounes of myndis and bitter exasperatiounes, ane againes ane uthir: And howsoevir the

<sup>1</sup> Adv. MSS. "schisme."

<sup>2</sup> *Ib.* "contradicted by."

meitting of the Britherin, if it wer in love, peice, and charitie, no doubt wald doe guid in the Kirk, so thair is no questioun but thair conveyning with preoccupyt mynd, fraughtit with invye and malice, wald give the enimie too much advantage to entir by that breach of thair discord and divisioun, to mak thame selffis odious, and so waikin thame: Thairfoir, We, to prevent the danger that is imminent to the estait of that Kirk by the distractiounes of menis affectiounes thairin, and that the said Generall Assemblie may be keipeit with the greater tranquillitie and peice, hes thought meit and expedient, that the haill Provinciall Assemblies within that our kingdome sall be keipit and haldin in thair ordinarie places of meiting, the fourth of August nixt to cum, with the remanent Commis-siouneres of the Provinces; and that at every one of the said Assemblies thair be chosin tuo of the most godlie, peiceable, wise, grave, of the best experience of that number, with power and commissioun to conveyn at Halyrudehouse the 2d of August nixt to come, with the Commis-siouneris of the Generall Assembly, and sic of our Counsel as it sall please us to nominat for that effect, thair to conferr, commoun,<sup>1</sup> and conclud, by comoun advyse, upoun the maist convenient remedies againis thais evils, quhilk, for laik of sumesufficient preparatioun, mycht fall out at the said Generall Assemblie; that thaireftir, the same being keipit and holdin in sic ane peiceabil and quiet maner as mycht bring true confort to the godlie, and terrour to the wickit: And, in the meintyme, we haif thought expedient, that the Generall Assemblie, quhilk wes to be hauldin be prorogat to the 24 of November nixtocum; and that no persoune presume to keip the said Assemblie in any place quhatsumevir, untill the tyme that the Commis-siouneres from the Synodis first preceid in thair meiting; and we haif appoyntit the place of the keiping of the said Generall Assemblie to be in Dundie, the day foir-said. Our will is heirfoir, and we chairge yow straitlie and comandis, that incontinent thais our lettres sein, ye pas, and in our name and auctoritie, mak publicatioun and intimatioun thair of be

<sup>1</sup> Commune; Adv. MSS. "reason."

oppin proclamatioun, &c.: Certifieing all such as upon ony pretext quhatsumevir sall presume to conveyn and assemble thame selfis togider, contrair the tennour and intent of this our Proclamatioun, that they salbe proceidit againes and punischit, as contemneres and disobeyeres of this our most royall commandement. Givin under our Signet, at our Court of Greinwitch, the twenty-fourth of May, and of our reigne the fifth and fourtieth yeir, 1607."

As we haiff hard of the honnest and strait proceedingis of the Synod of Perth until it wes dischairgit, the lyk is now to be recordit of the Synod of Fyff, of the quhilk the adversaries boith feirit and felt more oppositiounes: And, thairfoir, the Archimetro-politaun purchesit a dischairge thairof, to conveyn at the day appoyntit, with prorogatioun to the first Tuysday of Junij; yit, nevertheles, they met at Dysert, the place appoyntit, and that very frequentlie,<sup>1</sup> so that few wer absent. They wer debarrit from all meiting within the toun, upoun a very strait chairge givin to the Bailie, and thairfoir wes forcit to tak thame to the Sandis betwixt Dysert and Riven-sheuch,<sup>2</sup> the raine laying on about their luggis.<sup>3</sup> They spent thair tuo houris in reassouning and advyseing, quhither they sould keip Assemblie, and proceid in thair matteres according to the war-rand of Jesus Chryst, lawis of the realme, customes and constitutiones of the Kirk, notwithstanding the dischairge purchessit by enimies and false Britherin? It wes concludit, by pluralitie of voitis,<sup>4</sup> that they sould proceid in thair ordinarie matteres; but sic as diss-assentit, protesting that iff we so did, thai would leive thame, and confessing the lawfullnes, usit many argumentis of expedience and prudence. The Brither, considering that the number wald not be sufficient, in cais so many lefte thame, as also thair wes amonges thame verie many guid uprycht Brither, they, all in ane voit, con-descendit to prorogat the Assemblie to that same day,<sup>5</sup> that wes conteinit in the proclamatioun, upon conditioun that iff that day,

<sup>1</sup> Numerously.

<sup>2</sup> Adv. MSS. read "Rivenfirth." Probably near the ancient Castle of Ravensraig, on the sands or sea-beach.

<sup>3</sup> Ears.

<sup>4</sup> *Ib.* "voyces."

<sup>5</sup> *Ib.* "eight days."

by new purchessit Proclamatioun, sould be prorogat also, the hail Britherin sould conveyin and proceed in thair ordinare matteris without any questioun, notwithstanding of quhatsumevir mycht insew or follow thairupoun. It wes appoyntit, in the meintyme, that a guid number of the Britherin sould present a Complaint to the Counsel, to the effect they mycht sie great male-contentment of all the Britherin, becaus of such proclamatiounes; and intimat plainlie unto thame, that iff in cais sic forme of dealing wer usit to disposses the Kirk of hir liberties, againes Godis word and lawis of the realme, the Counsel would dryve the Britherin in [to] the snare of disobedience, thair[by] to marr thair consciences, being compellit to obey God, notwithstanding of horneing, wairding, or quhat could insew. This Commissioun wes done faithfully: Thair bill wes heard and red in the Counsel. The answer wes litle les then silence. The thing most concludit for wes obedience to the act of Lithgow, [that] the Archbisschope of St Androis sould be placit and chosine Constant Moderator in the Synod<sup>1</sup> of Fyff; the quhilk act could not be produceit: Howbeit, six monethis eftir the making thair of, thair wes not yit a Province in Scotland that had acceptit ane Constant Moderator, except<sup>2</sup> Angus, and that not without oppositione; bot then, in end, Mr James Nicolsoun prevailit by reiding to thame the act, yit by no meines could the coppie thair of be gottin.

The second day, being the second Tuysday of Junij, the Synod of Fyff conveyinit at Dysart; quhair wes three Commissiouneres for the King, urging the acceptatioun of the Bisschope of Saint Androis to be Constant Moderator, by vertew of that Act at Lithgow, but all in vaine; the Lord directing the heartis of the Britherin, so that, as tyrannie in the Kirk, they constantlie refuissit that Moderator, specially in persoun of sic a man as had intrudit him self in the Ministerie at Sanct Androis, without any consent of the Presbytrie, at his first cumeing amongis thame; and he behaifit himself since sua that they scairsely thought him worthie to be ane of that number, much les thair Constant Moderator. Mr William

<sup>1</sup> Adv. MSS. "Province."

<sup>2</sup> *Ib.* "save only."



Cranstoun did ane honnest and stout pairt, in prayer, doctrine, and haill actioun in that Moderatioun, quhairat the Metropolitan wes mychtily dashed, by <sup>1</sup> expectatioun, and the Lordis of Counsel, Commissiouneres for the King, far frustrat; to quhom the Bisschope had promisit that all sould be chewit meit <sup>2</sup> againes thair cuming! To quhom, quhen they saw the constant and strong oppositioun, the Lord of Halirudhous said, "Bisschope," (said he,) "is this your chewit meit? Me thinkis that ye and we boith ar lyk to wirrie <sup>3</sup> on it!" Mr James Nicolsoun thair wes put to a great pinch to mak guid the act maid at Lithgow, for all the Brither semeit to triumphe ovr him, saying, They could not think uthirwayis of that act then wes spokin by all the guid Britherin thair present at Lithgow; but that pairt concerneing the Bisschope to be Constant Moderator in the Provinciall and Synod wes false, fenyied, and forgit; sieing that, eftir so long a tyme, thair could not ane coppie thairof be givin furth; and without ane copie givin under the hand of the Moderator and Clerkis handis, they would belive nothing! In end, it wes thought expedient the Assemblie sould be continowit and prorogat to the last of September, uthirwayis thair wes lettres of horneing in reddines presently to dischaarge the same; and yit thais they durst not use at that tyme. The Bisschope wes so plainely tauld that if he horneit thame, thai sould assay quhois sword wes scharpest, and excommunicat him!

Bot the Bisschope wes moir imboldenit and blowne upe with the honour he had in the Parliament holdin at Edinburgh, the first of August; at quhilk, by the speciall requeist of the King, he had place befor the Erles: He chairgit, by the Kingis lettres, the Synod of Fyff to convein the eightein day of the same moneth of August, at Dysert; the quhilk obeying, hither come from the King four Commissiouneres to sie, without all failing, the Archbisschope placit in and investit Constant Moderator of that Province; becaus they had now, eftir the death of Mr James Nicolsoune, gottin out the act of Lithgow, under the Moderator and Clerkes hand. The Com-

<sup>1</sup> Contrary to.<sup>2</sup> Literally, chewed meat.<sup>3</sup> Choke.

missionneres wer the Lordis Lindsay, Halirudhous, Scoone, [and the] Collector, quho, by advyse of the Bisschope, had preparit ane of his awine opinioun and faschounes to mak the exhortatioun befoir the Assemblie. But Mr William Cranstoune, ordinare Moderatour, walking in the Sessioun-hous within the Kirk, and desyreing to haif his spirit and affectioun steirit upe by heiring of the Psalmes sung by the peiple within the Kirk, (he being at his meditatioun, and finding himself movit<sup>1</sup> with the cloisnes of the air within the hous, and being somewhat refreshed,) he, immediatlie eftir the second bell, goes upe to the pulpit, knawing litle of any uthir appoyntit to preiche : Such wes Godis providence ! And quhill as he wes sitting and reposeing thair, a messenger with a lettre is sent to him, the quhilk he tuik ; and, not looking thairon, put it in his pocket,<sup>2</sup> haifing<sup>3</sup> greatter matteres to think on. Thair cumes eftir a schort quhyl ane uthir sent, biding him come down, in the Lordis names that wer thair. He answerit, he came thair in a greater Lordis name, with a message quhilk he had not yit dischairgit ; and thairwith names to the people a Psalme to be sunge, becaus he perceivit thame sumequhat to be astonishit. Then a Bailie of the towne cumes to him, and tellis him in his eare, that he wes commandit by the Lordis of Counsel thair, to desyre him to leive that place : “ And I ” (sayis Mr Williame) “ command yow, in the name of God, to sitt down in your place, and heir quhat God the Lord will say unto yow by me ! ” The quhilk the Bailie most reverently obeyit. At the last, even as he was entering to prayer, the Conservator of the Priviledgis of Merchandis in the Law Countries,<sup>3</sup> being one of the Counsel, cummis and reverentlie in his eare desyris him to desist, for the Lordis had appoyntit ane uthir to preich : “ But the Lord ” (sayis he) “ and his Kirk appoyntit me ; thairfoir bewar to truble his wark ! ” And, heiring no moir, enteres to prayer ; quhairin, as in the hail doctrine and actioun following, it wes most evident that the Lord had sent him ; all wes so mychti-

<sup>1</sup> Adv. MSS. “ straitned.”  
 Scottish Privileges at Campvere.

<sup>2</sup> *Ib.* “ pouch.”

<sup>3</sup> The Conservator of

lie moveing and steiring, that the hail people and auditorie wer astonishit, and the rest in admiratioun.

The Bisschop, and all the Lordis Commissiouneres, would not come to heir, except the Lord Lyndsay; quho wischit the rest had bein thair present, as he tauld thame. The power of that same Spirit quhairby the doctrine and exhortatioun was delyverit, was sua effectual in all the Britherin, that, imediatlie eftir sermone endit, they mett togider couragiouslie in the place ordaineit for the Assemblie, nevir staying for the Commissiouneres, quho, becaus they voutchaffed not thair presens to Godis Word, quhair Mr Williame, according to the order, conceivit the prayer most pithelie; and thaireftir he went out to be censurit of his doctrine, Mr Johne Cawdown,<sup>1</sup> last Moderator, occupeying the roume. When it come to the voit of the Ministeres of St Androis, the ane of thame, Mr David Lyndsay, gloriefeit God exceidinglie for the notabill sound, pertinent doctrine, and mychtie exhortatioun; the uthir, Mr George Glaidstaines, callit by the name of "The Minister of Saint Androis," was found fault with, and scharply censurit for absenting himself from the doctrine; and, amongis the rest, the Moderator himself tould him, that "Ane Atheist could not haiff done worse!" At the quhilk wordis the great Bisschope kendelit sua in a raige of foull flyting, that the Lordis Commissiouneres wais faine to tell him that he wes unworthie to be in the number of Ministeres, let be to be a Bisschope and Constant Moderator over thame, sieing he could not moderat himself nor his awin passiounes!

The Bisschoppis blastis<sup>2</sup> being blawne out and calmit, the Moderator, Mr Williame, is callit in, his doctrine justifeit and approve, with great thanks to God; and so entering into his place againe, propounes, according to the order, a leit for chuseing ane Moderator to the present Assemblie. Then comes in the matter, all the Commissiouneres for the King standing up and schawing thair Commissioun; the effect quhairof wes, to sie the Archbisschope of Saint Androis placit Constant and Perpetuall Moderator in the

<sup>1</sup> Adv MSS. "Gordoune."

<sup>2</sup> *Ib.* "tempest."

Synod in all Assemblies of that Province of Fyff, according to the act and ordinance of the Generall Assemblie holdin at Lithgow. The Moderator desyrit that Act to be productit; the quhilk at last they did, causing the same to be red, and viewit, and subscriyved be Mr James Nicolsoune, Moderator, and Mr George<sup>1</sup> Philip, Clerk.<sup>2</sup> They craved, according to the tennour thairof, the Bisschope of St Androis to be placit and acknowlegit Moderator. The Britherin, all in ane voyce, answerit that the act bure no such thing cleirly and fullie; and that it wes constantly affirmit by all the Brither of Provinces that wer present at the meiting at Lithgow, that thair wes nevir such thing propounit thair, let be reassounit, voitit, and concludit; and thairfoir they could not acknowledge that act, halff a yeir and moir keipit close, and now coming out eftir the death of the Moderator quho wes thair, befor that the hail Presbytries of the Province had advysit thairwith speciallie, and conferred with uthir Provinces also; for the quhilk effect thai desyrit a coppie to everie ane of thair Presbytries.

At the quhilk answer, the Commissiouneres seimit to be verie angrie, and said the lettres of horneing wer over-long unexecute, and the King wes but trubelit by thame; and calling for ane Officer of Armes, quhilk they had redie with the lettres of horneing, ane of thame tuik the cattologie of the Brither in his hand, beginnes to call the same, demanding every man severalie, "Quhither they would accept of the Bisschope to be Constant Moderator of that Synod, yea or not?" Quho answerit, "Nay." Than commandis he the Officer presentlie to give him a chairge to accept him, under the paine of rebelloun and putting of thame to the horne; quhilk the Officer solemnely doeing eftir the forme and order, the Britherin answerit severalie, "We will rather abid horneing, and all that can follow thairon, or<sup>3</sup> we doe againes our consciences, to the wrack of the libertie of our Kirk. The office is unlawfull, the man is unworthie!" The Commissiouneres thairfoir commandis him to denunce them all rebellis: But the Bisschope, perceiving the Breithe-

<sup>1</sup> Adv. MSS. "Henry."<sup>2</sup> *Ib.* "Scribe."<sup>3</sup> Ere, before.

rine so stout, feiring, give<sup>1</sup> that iff they wer put to the horne, they would presentlie excommunicat him, as his predecessor wes, assaying quhois hornes wes hardest! He did withdraw the Lordis Commiouneres apairt, and said unto thame, that he would tak upon him to satisfie the Kingis Majestie, and he would spair his Brithe-  
rin, and sua preis to accquyre thair favour. Quhairunto the Commiouneres glaidly according, said, It wes his awin caus, doe thair-  
in quhat he pleiseit, they would lay the wait<sup>2</sup> of all on him, iff the King wer offendit! And sua, causing the Officers with utheris Lettres, quhilk wes also in readines, to dischairge the Assemblie presentlie, and not to conveyn again without special warrand from the King, that Assemblie, eftir heartie thankisgiven unto God, wes dissolvit.

The Bisschope presentlie wryt to the King, and informit him of all, in his awin maner; quhairby he procurit the Moderator, Mr Williame Cranstoun, to be denuncit rebell and put to the horne; and uthir thrie of the Brither, to witt, Mr Johne Scrimgeour, Mr John Caudom,<sup>3</sup> and Mr John Dykis, his own brothir-in-law, to be confynit within his awin Congregatione; they nevir being citit nor callit befor any Judge for thair tryel, were punischit thus for insolent cariage and misbehaviour.

The Synods of Lowthiane, Merse, and utheris, followit the same cours, denying the act of Lithgow, and refuissing Synodall, unchosine, Constant Moderators, quhois proceedingis and forme of doeingis wer too long to be sett down in storie; and, thairfoir, lett us heir of thais most advyseit actis set doune at Lithgow. The Moderatoris cygneane songe,<sup>4</sup> the quhilk singis not indeid, far out of toone,<sup>5</sup> in respect of that quhilk followis; howbeit, it fast maid way to the breking out of the great damme quhilk, allace! for pitie, wes the cutting aff, in the mides of his dayis, of a man of rair, baith spirituall and naturall, giftis:

<sup>1</sup> Giving or granting that if, &c.  
"Gordone."

<sup>4</sup> Swan-like song.

<sup>2</sup> *Wyte*, blame.

<sup>5</sup> Not much out of tune.

<sup>3</sup> Adv. MSS.

IN THE ASSEMBLY OF THE KIRK OF SCOTLAND, CONVENIT BY HIS  
MAJESTIE, AND HOULDIN AT LITHGOW, ANNO 1606.

*Sess. 3, 12th of December.*

"In lyk maner, the Conference, finding that nothing moir weaknit the credit and strenth of the Ministerie and Discipline of the Kirk againes Papistis, [nor] moir imboldnit the adversaris to goe forwaird in their erronius corruptiounes and courses, then the appeirance of divisioune in the Ministerie among thame selff, and the alienatioune quhilk seimes to be among sume of thame; thairfor, for the remoiving of all eylistis<sup>1</sup> and schaw of divisioun, and alienatioun of myndis, ethir amongis the Ministeres thame selffis, or of his Majestie's guid affectioun and favour from any of thame, it wes thought ane soveraigne remedie for the moir effectuall supressing of Papistrie, and haiffing fund and searchit out the caus of distractioun and alienatioun of myndis foirsaidis in the Ministrie, to be, pairtlie, a feir that sume of our Britherin wes of purpose, and of course to dissolve and subvert the Libertie and Discipline of the Kirk of Scotland, by removeing thair Sessiounes and Presbyteries, Provinciall and Generall Assemblies, and by usurping in thair awin personnes such lyk tyrannous and unlawfull Jurisdictione, as is no wayes lawfull, nethir to be licenceit<sup>2</sup> in any trew Reformit Christiane Kirk, and to schaik off thair obedience to all guid order and comlines establischt, or to be establischt be the lawfull Assemblies, of his Majestie's consent; and pairtlie, a greiff, that sume of thair Brither wer so banischit furth of his Majestie's dominiounes, and utheris diseasit, by thair long wairding<sup>3</sup> and detaineing from thair habitatiounes and chairgis: And finding, lykwayes, by the declaratione of his Majestie's Commissioneres, and sic as wes privie to his Majestie's mynd, that his Hines wes no les grevit with diverse actionnes and formes of some of the Ministrie, sorie for not haiffing

<sup>1</sup> Literally, *eyesores*.  
drances or obstacles.

The Adv. MSS. read erroneously, "the Lettis," i. e. hin-

<sup>2</sup> Adv. MSS. "tolerated."

<sup>3</sup> Imprisonment.

dew regaird and cair, to use sic courses in thair actiones and administratioune of the lawfull effaires of the Kirk, as mycht seem to intertein ane lawfull and ane solid place, peice, and quietnes, betuix his Majestie and thame, as lykwayis mutuallie among thame selff; and speciallie that the forme<sup>1</sup> of thair Governement wes oftentymes, and almost ordinarlie, committit to such as, for laik of experience and wisdom, wer no wayes able to keip thair estait in any quietnes or guid forme; quhairunto his Majestie imputit the cheiff causes of all the greivis and troubles that haif fallin out in this longe tyme among the Ministerie thame self, or in any offences givin by ony of thame to his Majestie, and that his Majestie could not be satisfieit quhill this inconvenience wes first removit, and a faithfull remedie wes provydit, that the lyk quhairoff<sup>2</sup> should not fall out. Quhilk his Majestie comprehendit summarely in this: Iff the effaires of the Kirk could be administrat by the most wyse and most godly, quhair-annent also his Majestie's speciall Overture, as heireftir followis, was propounit:

"It is his Majestie's advyse at this Assemblie, and pleasure, that presently thair be ane nominat in every Presbyterie, of the most godly and graiff, and of maist<sup>3</sup> auctoritie and experience, meitest for governement, to haif the Moderatioune of his Presbyterie, quhair he remaines, till the present jarris and fyre of dissentioun, quhilk is amonges the Ministerie, to the great prejudice of the auctoritie and credite of the same, and the hinderance of the Gospel, and his Majestie's hight offence, be quenchit and taikin away; and the Nobillmen and uthiris professing Papistrie within this kingdome so repressed, be justice and executioun of lawis, [by the labours of their Ministerie, and discipline of the Kirks, that they be not able to hinder the course of the Gospell, or Scripture, and enlarge the power and credite of false religion, and that the chiefest binding of delatiounes of the saidis Papistis, and satisfiounes for justice and executioun of lawes<sup>4</sup>] againes thame, be committit to the saidis

<sup>1</sup> Adv. MSS. "chairge."

<sup>2</sup> *Ib.* "hereafter."

<sup>3</sup> *Ib.* "greatest."

<sup>4</sup> Omitted in Univ. MS.

Moderatoris: And that the Bischopis in thair Presbyteries, quhair thai ar resident, in ane of thair Kirkis of thair Bisschopperickis haif this cair and burdein committit to thame, and sieing it will credibilly fall out, that in the Bisschopprickis<sup>1</sup> throw greitnes of pairties, and langsumnes and difficultie of the proces of the said Moderator, wilbe sometymes constraintit to reffer the doeing thairroff to the Provinciaill Assemblie, in preserving actiounes of greatest difficulties, be committit to the Bisschoppis making lawfull residence within the said Province, or to the worthiest of thame, quhen it sall happen that moir nor one of thame be within one Province; in respect that his Majesty hes bestowit upoun thame moyen and place, quhairthrow they may be abill to beir out the chairges and burdein of dangerous and difficult actiounes, quhilk uthiris Ministeres wer not abill to sustein; and lykwayis by thair credit and place in Counsel, ar abill, in sic causses, to procure greater celeritie and executioun of justice, as in such causses is requisit, then uthiris. The Conference, haiffing first advysit annent the taking away of the forsaid feir, and suspitioune and satisfactioun of the Greivis,<sup>2</sup> and willing to understand of his Majestie's Commissioneres, and sic as had bein laitlie accquentit with his Majestie's intentiones, and willing lykwayis to heir the declaratioun of the Bisschoppis heirannent, as tuiching thair awin intention and purpose in that erand: It was declairit, that it wes not in any way his Majestie's intent and purpose to subvert the Discipline<sup>3</sup> of the Kirk of Scotland, but rather to augment and strenthen the same, in sua far as could serve<sup>4</sup> for the weill of the Gospell and restraint of vyce, and to sie such eyelistis<sup>5</sup> and offences as in the administratioun thairroff wes the occasioun of just discontentment to his Majestie, and hinderance to the credit and auctoritie of the Ministerie among the people, and among the Ministerie thame selfis, be removit and tain away, be sic guid Overturis as is above expressit: In signe quhairrof, as thair is nothing done in derogatioun in the haulding of the Sessiones of Presbyteries and Provinciaill Assemblies, so it wes nevir

<sup>1</sup> Adv. MSS. "Presbyteries."  
Government."

<sup>2</sup> *Ib.* "danger."  
<sup>4</sup> *Ib.* "he could command."

<sup>3</sup> *Ib.* "this present  
<sup>5</sup> Eyesores.



his Majestie's intentioun, but that the keipeing of Generall Assemblies, at certain and competent tymes and places, was and is a most necessare mein for the preservatioun of peice and unioun in the Kirk, and exterminatioun of all heresie and schisme in the same.

"And, thairfoir, his Majestie does gratusely declair, that as the act of parliament does still stand in full force and effect for the conveying of the said Assemblie once in the year, by his Majestie's directioun, so it is his Majestie's will that the day of conveying the next Assemblie salbe in Edinburgh, the last Twysday of July: Siclyk, the hail Bisschoppes declairit that it wes not thair intentioun to usurpe ony tyrrannous or unlawfull jurisdiction and power over thair Britherin, nor to ingyre<sup>1</sup> thame selfis onywayis unlawfully in the Kirkis Governement, or ony pairt thair off, further nor sould be committit to thame be the Presbyteries, Provinciaill and Generall Assemblies; and if it sould be found to fall out that they, or ony of thame, should do in the contrair, then and in that cais they ar content to submitt thame selfis also humblie unto the censuris of the Kirk, as ony uthir of thair Britherin of the Ministerie.

"In lyk manner, it wes declairit that his Majestie, according to the longanimitie and patience towardis sic as happinit to offend him of the Ministry, had delayit a verie long tyme to give furth any sentence againes the Brither now banischit, still houping that be their guid behaviour, and humble sute for his Hines' pardoun and favour, his Majestie mycht haiff occasioun to schaw his clemencie towardis thame: And albeit his Majestie, being justlie provokit, wes movit to give furth his will annent thair banischment, yit he immediatly being requisit in thair favouris by the Bisschoppis and uthiris Britherin thair present with him, it pleasit his Majestie to declair, that the want of his favour proceidit upoun thair awin default, quho had nevir humblit thame selfis to seik his pardoun as becam thame; in respect quhairoff, it wes thought meit to direct the Bisshop of Abirdein, Mr Patrick Scharpe, Patrick Galloway, Robert Wilkie, John Strachane, John Howie,<sup>2</sup> John Hay, with the Moderator of the Assemblie, to wryt a Lettre to the said Bri-

<sup>1</sup> Insinuate.

<sup>2</sup> Adv. MSS. "Hal."

therin, in name of the Assemblie, giving thame advyse to forme and send thair humble sute to his Majestie, for his favor and pardoun to thame, as mycht give his Majestie best satisfactioun; and that the Assemblie earnestlie requeistit his Majestie's Commissiouneris, and uthir Nobillmen imployit by his Majestie to this Assemblie, so soone as the said Supplicatioun sall cum from thame, of the tennour foirsaid, to concur, by thair credit and commissioun, and to mak intercessioun with his Hines to procure thame to be maid pairtakeris of that gracious favour, quhilk his Majestie at no tyme heirtofoir refused to any of that professioun, quhom he fand willing to acknowledge and amend thair oversight, and haif recourse to his elemencie. For the quhilk declaratioun, the Conference praisit God; and thought guid, that the Britherin sould be writtin unto as is affoirsaid, and be the Britherin foirnameit: And thaireftir, haiffing considerit the Overtur propounit to thame in his Majestie's name, and finding it in schaw to carie sume appeirance of novatioun in the Discipline of the Kirk, and feiring that it mycht bring with it sume inconveniencie, thairfoir the Conference would not tak upoune thame to determine thair advyse thairannent, quhill first the matter wes exactly handlit and reassounit in thair presens, and sufficient remeid provydit for preventing of all inconvenientis quhilk mycht be feirit to follow thairby.

“Quhairupoun a guid number of the most godly, lairnit, and wyse of the Britherin of the Conference, being appoyntit to reassoun ane eftir ane uthir; and haiffing exactlie, and at guid lenth reassounit and examinait quhatsoever inconvenient mycht follow on the establishment of the same Overture, It wes considerit and fund at last, by ane universall voyce and consent of the haill Conference, without contradictioun, that the said Overture wes boith wyse and godly, tending to the weill of the Kirk, many wayis, provyding that certain Cautiounes wer observit for preventing such evil as mycht happin to fall out, in cais of the said Moderatoris or ony of them sould either arrogantlie presume or usurpe any further powar in the saidis Presbytries and Assemblies then is cumely and lawfull for Moderatoris, in sic a caus, to doe, and presently to use,

and without innovating or altering at thair fantasies, and at thair awin handis, the custome that the discreit Moderatoris haiff usit, and ought to use in that place, or uthirways to be fund remiss in propouneing or prosecuting any guid purpose or overtour, quhilk sould be givin in by the Britherin, or any of thame, to the saidis Presbyteries and Assemblies, and according to the doubtis quhilk in reassouneing wer found out and feirit."

THE CAUTIOUNES FOLLOWING WER AGREIT UPOUN.

"First, That it be implyit that the Moderatoris of the Presbyteries and Provinciall Assemblies be nominat and chosine according to his Majestie's Overtoure, sall presume to doe nothing in the Presbyteries or Provinciall Assemblies, quhair they moderat, without the speciall advyse and consent of the Britherin.

"2. That the actis of the Generall Assemblie and Caveatis thairin annent Bisschoppis prescryvit, be observit, that they sall use no jurisdiction or power, further nor the Moderatoris of the Presbyteries and Provinciall Assemblies hes bein in use of, be the constitutiones of the Kirk, befor.

"3. In cais it sall happin Moderatoris of Presbyteries or Provinciall Assemblies to be absent the tyme of thair Conventioun, then it salbe in the power of the said Provincialls and Presbyteries to nominat and choyse one of the best, and wysest, and gravest of the Brither to be Moderator in that meitting, in absence of the said Moderator.

"4. Quhen the place of the Moderator in any Presbytrie sall happin to vaik, the electioun of ane uthir to succedd in his rounge sall be maid be the hail Provinciall Assembly, with consent of his Majestie's Commissioneres, if ony happin to be thair present for the tyme; and that quhen any of the saids Moderatoris sall happin to depairt this lyff betuix the Assemblies, it sall be lawfull to the Presbytrie to nominat the honnestest, gravest, and wysest of thair number, to continow in the Moderatioun of that Presbytrie quhill the nixt Provinciall Assemblie.

"5. The Moderatoris of the Presbyteries salbe subject to the tryallis and censuris of the Provincialis ; and in cais it sall happin that they be found to be remiss in discharge of thair dewtie, or to haif presumeit to haif usurpit over thair Britherin ony further power nor is given thame be the Assembly, it salbe a caus to thame of deprivation from the office of Moderatioun ; and they salbe depyvit thairfoir be the Provincialis.

"6. In lyk maner, the Moderatoris of the Provincial Assemblies shall be tryit and censurit by the Generall Assemblie ; and if he be found ethir to be remiss in the office of his Moderatioun, or to haif usurpit any further power nor the simple place of a Moderator, he salbe depyvit of the said office of Moderatioun by the Generall Assemblie.

"7. That the Moderatioun of ilk Presbytrie or Provincial Assemblie, with the Scribe, being chosine, faithfull, wyse, and formall men, be astrictit to be present at all Generall Assemblies, as Memberes thairof, and to haif the Register of the actis and proceidingis of the Presbyteries and Provincialis thair present with thame, that thair fidelitie and diligence may be sein by the Generall Assembly, and the estait of the countrie thairby knawin.

"8. That it salbe leisume to ilk Presbytrie to send Commis-sioneres to the Generall Assembly, beside and attour the Moderator and the Scribe, tuo or thrie, according to the actis of our Assemblies annent the Commissioun from Presbyteries, if they sall think it expedient.

"9. Further, it is hereby declairit, that notwithstanding of any thing done at this tyme, the Sessiounes, Presbyteries, Provincial and Generall Assemblies, are to be observit, keipit, and obeyit, as they haif bein heirtofoir.

"10. That the Moderator of the Generall Assemblie be chosine be voit of the said Assemblie, certaine leitis being first nominat and propounit friely, as hes bein in tymes bipast.

"11. That in every Provincial Assemblie quhair thair is no Bischope making residence, actuallic and lawfullie, and haifing the Moderatioun of ane of the Presbyteries the Moderatoris of the said

Presbyteries within the said Province being propounit on leit, the meittest of thame salbe chosine be the said Assemblie Moderator thairrof, his Majestie's Commissiouneres consent being had thairto.

" 12. And further, the Conference haiffand examinitt the Rollis of all Presbyteries, to sie iff ony wer meitter to use the said office of Moderatioun then thais quho befor hes bein nominat, to haif the delatioun of Papistis and Non-communicantis, they fand, in thair awin judgement, that the same persounes wer of all uthiris, in every Presbytrie, neirest and meitest, alswel to moderat as to haif cair of delatioun foirsaid : Reservand allways to the Ministerie of everie Presbytrie heir conveyinand thair awin priviledge and power to nominat unto the Assemblie a meitter, if any thair be in thair Presbytrie, for Moderatioune : And, thairfoir, the said Conference found it expedient that the persounes foirsaidis accept in and upoun thame, presentlie, the said office of Moderatioune, and that within the saidis Presbyteries *respective* ; and that the Presbyteries allow, awne, and imbrace thame : And, for this effect, that the saidis Moderatoris and Presbyteries be requisitt thairunto earnestely be this Assembly ; and iff neid beis, lykwayis chairgit that the Kirk of God be not long frustrat of the confortabill effectis of the foirsaid ordour, quhilk it is abill shortly, be the grace of God, to produce.

" This Overture being propounit and declairit at lenth, in presens of the full Assemblie, everie article and heid thairoff wes with ane uniforme consent and assent and allowance of all approvit, without any contradictioun, except only sua far as concerne the Moderatoris in Presbyteries, and thair continowance in thair office of Moderatioun beyond the accustomit tyme ; quhairannent certain doutis being propounit and satisfieit, and the Bisschopis haifeing givin thair awin declaratioun out of thair awin mouthis annent thair intentioun and purposes, to be subject to the Actis and Caveatis of the Generall Assemblie, and to mak residence within such a space as sould be limitit to thame and evirilk ane of thame be the present Assemblie ; and if it sould be thought expedient for the weill of the Kirk, that uthir meitter and moir worthie than they sould possess

and occupy thair places, to dimitt thair benefices at the will and plesoure of the Assembly, his Majestie's consent and approbatioun being had heirto; quhairin they promiseit, if need beis, to be earnest suiteris at his Majestie's handis, lykas sume of thame declairit that they had already craveit the same of his Majestie, for the respect they had to tak away all offenses from the Brither: Provydeing alwayes, if, ather upoun his Majestie's advyse and propositioun to the Assemblie, or upoun thair awin Supplicatioun to the Assemblie, be movit heireftir to grant thame any relaxatioun of any of the Caveats, the Generall Assembly be moved hereafter to grant them any relaxation of any of the saids Caveatis, quhilk, upoun guid reassoun to the said Assemblie, mycht appear to be over strait, that this thair promise sall mak no derogatioun to the libertie quhilk the Assemblie heirefter salbe movit to grant unto thame. *Item*, it wes voitit, and be pluralitie of voitis concludit, to witt, his Majestie's Commissiouneris, haill Nobilitie, Erlis, and Barrounes, to the number of thirty-five,<sup>1</sup> togider with the number of one hundred and twenty-six Ministeres voiting *affirmative*, that the said Overture annent the continowance of Moderatoris, quhill the present divisioun of the Kirk be removit, and that the haill Brither be brought to that unitie of mynd and affectioun quhilk is aggrieasill with thair calling and service best to the furtherance of the caus of God, and overthrow of all contrair caussis, and the Papistis fully repressit and brought to the obedience of the Gospel, sould pass and be inactit as ane of the conclusiounes of this Assemblie; the fairsaidis Caveatis being allwayis keipeit be everie ane of the saidis Moderatoris, and the contraveineres censurit and punischit, as is befor expressit; four only of the haill Assemblie be thair voitis dissassenting thairfra, and uthir four refussing, to witt, for wanting commissioun from thair Presbytrie, and two being *non liquet*. Extractit furth of the buikes of the actis of the said Assemblie at Lithgow, and subscrivit by the Moderator and Scribe thair of.

(*Sic subscribitur*)

"JAMES NICOLSOUN, Moderator.

"HENRY PHILIPPE, Scribe."

<sup>1</sup> Left blank in Adv. MSS.

Now, to proceed to the Generall Assemblie : It was solemnly promissit, as we hard at Lithgow, to be keipit at Edinbruche the last Tuseday of July in the yeir 1607, [but] wes by proclamatioun as oftentimes befor prorogat to the same day and moneth in the yeir of God following, 1608, to hold in Dundie, becaus boith the plotter and the plott wes deid and expyrit, and they wer not as yit provydit of ane new ane. But the Bisschopis, keipeing diverse meittingis, and boith sending and ressaiveing consultatiounes from Court, resolvit to mak a way, and prepar for perfyting of the purpose at the nixt Generall Assemblie be three principall meines : *First*, By a pretext of a Conference : *2dly*, By modificatioun of the Ministeres stipendis : *3dly*, By the Visitatioun of the Presbyteries. So the Commissioun of modificatioun of that yeir wes wholly givin to the Bisschoppes, quho, be augmentatioun, wanne and allurit by diminutioun, waikinit and bure down, and by depriviatioun waikinit the heartis and terrifieit a great number of the Ministerie, and that sua closely and sua covertly as that ane caus pretendit in publict, ane uthir wes assurit thame in secret.

The Visitatioun of the Presbyteries, by auctoritie of the Generall Assemblie, quhair they could finde any grund of the Commissioun, but specially borne out by the Kingis auctoritie, the drifte quhairof wes to lead and mak a number of Commissiouneres to voit with thame out of every Presbytrie, tuo or thrie at the least, according to the fore-provydit act of Assembly, quhairby they mycht be sure againes the nixt Generall Assembly appoyntit at Dundie. Quhilk wes espyit and weill preventit be many, pairtly by conforming all thair memberes, and pairtly by refuissing thair visitatioun ; of the guid reasoun quhairof, ane exampill sall suffice.

The Presbytrie of Jedburcht refuissit the visitatioun of Bisschop Law of Orknay, for thais Reassounes :

REASSOUNES QUHAIRFOIR THE BRITHERIN OF THE PRESBYTRIE OF  
JEDBRUCHE DECLYNIT THE JUDGMENT OF MR JAMES LAW,  
BISSCHOPPE OF ORKNAY.

“The act maid in the Generall Assemblie at Halirudhous, *anno* 1602, concerneing the Visitatioun of Provinces, conteinit ane blank for inserting the tennour of the edict quhilk sould be servit at paroch-kirkis ; the quhilk edict sould be formit by thrie or four Britherin deput be the Generall Assemblie. But thais Brither nevir mett yit for that purpose, and sua the blank wes nevir fillit up : How, then, can the act be put in executioun, wanting the edict, evir a principall pairt ? Evin to this houre we servit the edict sent to us, expecting a lawfull Commissioun, [quhilk wes not as yit hard be us to be discussit : *Satis est delegato asserere se esse delegatum, si non sit servicio personæ*, to caus any compeir, if the compeirance be *tum levissimo*. But quhen we compeirit, we saw the imperious edict quhilk we servit to be forgit, and not in the Commissioun<sup>1</sup>] it self, quhair thair wes nothing but a blank ; the said Visitor would judge himselff alone, and that without John Clappertoune, a colleague, quhom his Majestie had designit in his Lettre sent to him.

“Nixt, without the Presbytrie professing plainely that he would not follow the most pairt of the voitis of the Presbytrie, quhen it came to the censure of any particular member thair of. If he haiff offerit great courtessie to others, that appeireth evidently he hes cum to us *cum cupiditate nocendi* without his colleague, deput be the Generall Assemblie, without quhom he hes no power to visite except his colleague wer seik ; and seiknes wes not alledgit, neither think we that the caus of seiknes expressit in the act can be extendit to causses not expressit, be reassoun that all delegat jurisdiction *est stricti juris*, and in all odious matteres *odia sunt constringenda* ; for sure we ar that it is not agrieabill to Godis Word, that the haill power of ane National Assembly sould be devolvit over

<sup>1</sup> Not in Adv. MSS.



upoun the back of a simple Presbyter; by the quhilk he has not only cognitioun, bot also definitioun and executioun, in ane universitie of caussis, ovr ane haill Province of Ministeres: We would notwithstanding haiff tollerat this great absurditie, sua far dissonant from the Word, if the Generall Assemblie had appoyntit him alone. We sie, then, in it self, it is *res plena odii, et ambitionis*; and, thairfoir, the caus of seiknes sould not be extendit: But howbeit the caus of seiknes, expressit in the act, mycht be expressit be ane equivalent word not expressit, yit his colleague's Lettre, dytit the seventh day of March, conteinit no such lat,<sup>1</sup> in it self, for it must be a long-lasting seiknes and infirmitie would impeded the executioun of the office befor the nixt insewing Assemblie, that must be the reul and missour of the equivalent impediment for the Visitor to say to his fellow Visitor, quhen he hes a diseise that will schortly ceis, that he will goe to visite without him, wer but to ludificat the act of the Assemblie; the ministratioun of the Lordis Supper, catecheising of the people, unwillingnes to wander about, mention-it in his colleague's Lettre, as impedimentis, the seventh of March, ar not ane impediment equivalent to longsume seiknes; nor yit had we ony warrand of impedimentis the 2d of May, quhilk wes the tyme of Visitation: As for confyneing, howbeit it wes alledgit and provin, yit it had not bein equivalent to the long-lasting seiknes and infirmitie of bodie. But the truth is, confyneing wes not so much as alledgit in our presens, far les proven; yea, the contrare evidentlie collectit out of his colleguis Lettre. This much for the second reassoun, takin from his singular and solid judgment, without the colleague appoyntit be his Majestie, and without the colleague appoyntit be the Generall Assemblie, as also without the conjunct judgment of the Presbytrie.

"Thridly, We say that the office itself is expyrit, howbeit it mycht haiff bein put in executioun since the veritie<sup>2</sup> of his commissioun, and continuall custom of the Kirk, it sould haiff indured only to the nixt insewing Generall Assemblie, and he himself, with the rest of the Visitoris, did hould up his hand publictlic, promisseing to put it in

<sup>1</sup> *Let*, hindrance.

<sup>2</sup> Adv. MSS. "be vertew."

executioun befor the nixt Assemblie. Now, it is most evident, that fyve yeires thairefter fell out that meiting houldin last at Lithgow, quhilk he himself avoweit [to be] ane Generall Assemblie; yit he could not let us sie ane act of prorogatioun from the samyne, howbeit he craveit it; and the not executioun of his office befor that tyme makith him not to continow in the office, but to be culpabill of negligence, for the space of five yeiris, *nam nemo debet lucrari ex sua negligentia*; the discharge not expressit makes him only to rest culpabill,<sup>1</sup> but the power and rigour of the office itself did at the sett tyme expyre, ane Moderator, or any such lyke office man, howbeit the sett tyme rune out, continows still till ane uthir Moderatour be designit, becaus it is ane constant office, and thair must not be interrupt a series of Moderatouris succeidin to Moderatouris; but the office of Visitatioun is *pro re nata*, arbitrarie, as the Assemblie thinkis guid to send out Visitoris, or not send; the tyme being then not sett downe by the Assemblie, the office does expyre at the same tyme and day. And, on the other syde, to reassoun if the Assembly hauldin at Lithgow be accountit ane lawfull Assemblie, thair his office of Visitatioun ceissit, unles it wer renewit be the same again; and if that Assemblie be not esteimit ane lawfull Assembly, yit the day appoyntit by the Generall Assemblie concerneing his office of Visitatioun expyres, or at least be prorogatioun, as the Assemblie rines in nonentrie, so dois his Visitatioun.

“Fourthly, Since that act of Halyrudhous, thair is a new emergent<sup>2</sup> reassoun to refuse him, for if ane delegat suspect may be refusit, haiff we not just caus to refuse him quho is becum a Bisschop, seing that act for schisme is sua great at this tyme betuixt the Bisschopis and the better sort, that every ane reputeth the utheres adversaris? Could we, then, without hazard underly the hazard of our adversarie cleimeing to the power of a deputie of the Generall Assemblie, that meinit nothing les then to arme his adversar with a power againes his own childrein?

Adv. MSS. “comptabill.”

<sup>2</sup> *Ib.* “inargued.”

“ Lastly, Had we not just caus to declyne him quho spak with the voyce of the Antichryst? The Bisschop of Orknay, speiking lyk the Bisschop of Roome, quho said in his Lettre that he sent to us, that he would not stand to proceid againes us *cum jure et potestate utriusque gladii!* Bonifacius the Eight, Pope of Roome, of quhom it is said, *Intravit ut Vulpes, regnavit ut Leo, mortuus est ut Canis!* at the grit Jubile, quhilk he institutit in anno 1613, sat one day with the Pontificall robe and keyis; and the nixt day with the Imperiall sword befor him, crying, ‘*Ecce hic duo gladii!*’ One quho had commissioun from the Kirk aught not to imploy the secular Sword; bot the judge quho sent him out, finding the persoun disobedient, sould tak order thairwith: *Delegatus enim Judex non habet Jurisdictionem naturalem, sed alieno ex beneficio.* We can not be countit rebellis, quho, according to order and forme, declyne. *Nemo enim rebellis est qui petit quod de jure permittitur;* and how can the Secular Magistrat know *utrum bene vel male Judicium*, befor the Generall Assemblie, that, be the lawis of the realme, is the competent Judge, haiff judgit our declinatoure? and how sould we haiff *personam standi in judicio*, quhen the Assembly sall hauld that we may seik remeid againes the pretendit Visitoris, if we be withauldin with registratioun at the horne, or any lyk impediment? for by that mein all outgait<sup>1</sup> is stoppit to us for evir, howbeit we be innocent; but this our Visitor cumes neirer his awin wordis, for *non tantum ad ejus initum sed ejus motum*, is the prince’s sword wailit<sup>2</sup> againes us. In his awin persoun, he had the Commissioun to put the Britherin to the horne, and accordingly waireit<sup>3</sup> expenses, directit officiaris to denunce and registrat upoun the principall lettres: Intending further, haiffing tuo swordis, he maid chuse of the Temporall, and excercisit the force thairoff, imitating Pope Julius the Third, quho did cast Saint Peteres Keyis into Tiber, and tuik unto him the Sword of Paul: He will not punische us Ecclesiastically, but will delait us to the Magistrat to be scherper handleit, saying, he would haiff his handis frie of all evil done unto us! So, Pilat

<sup>1</sup> Retreat.<sup>2</sup> Wielded.<sup>3</sup> Incurred.

was guiltie of Chrystis death, notwithstanding he did wasch his handis, and said, I am innocent! *Jam plectandi sumus, non ad ejus nutum solum, etiam licitum,*" &c.

And so, indeid, it cam to pas, for notwithstanding of all thais Reassounes, sume of the Britherin wer summond befor the Counsel, sume horneit, and sume wairdit: Lykas thais of the Synod of Duns wer so usit, quhen Mr Tobias Ramsay, Moderatour, and Mr Johne Smyth, Clark thairoff, wer commandit to the Blaknes, only for undertaking upon them thais offices, at the comand and calling of the Assembly, and for thair standing be the lawfulness thairof befor the Counsel.

But now to the Conference. They tuik occasioun thairof, by a challange, quhilk certain upright zealous Brither had maid, whereof the tennour followis:

#### THE MINISTERES' OFFER OF CONFERENCE.

"We, the Ministeres of Jesus Chryst, defenderes and favoureres of the Discipline of the Kirk of Scotland, professis and declairis, that the said Discipline and Government, as it is appoyntit be the Kirk, and ratified in Parliament, confirmit of auctoritie, subscrivit and sworne be the Pastoris and professoris of the Kirk within this kingdome, and accordingly ressavit and practisit these fiftie yeiris within the same, as most agriabill to the Word of God, and most convenient to concurre and stand with the Civill Government of the kingdome, and for defence heirof, in the feir of God, Christian modestie, and brotherlie love, offeres to our Brither, Commissiouneres, voiteres in parliament, be evidentis of reassoun, and warrandis of Scripture, to mantein and defend the samen againes quhatsumevir they can object in the contraire; [and for that effect earnestlie desyris a frie Conference to be appoyntit and<sup>1</sup>] keipit in the **CONDITIONES** following:

<sup>1</sup> Omitted in Adv. MSS.

## [CONDITIONS.]

" 1. That the defenderes of the said Discipline may haiff ane publick warrand and protectioun from his Majestie and Counsel, for performance of that Conference.

" 2. That they mycht haiff a frie choyce of the persounes quhom to they may committ the manteinence of that caus lawfully in the said Conference.

" 3. That the partie appoyntit oppoument propoune and sett doun, in schort and cleire Articles, the poyntis quhairin they dissassent from us in the said Discipline, and deliver the same in wryt to the Presbytries, a reassounabill tyme befor the Conference, on the first day.

" 4. That for remembrance caus, for eschewing of confusioun, ydill discourse, [takin and callumneis that may fall furth on ather syde, all questiounes, argumentis, answeris, replies and contentiounes, and<sup>1</sup>] mistaking the conclusiounes that shall be treattit of in the said Conference, may pas by wryt, and be subscrivit be both the oppoumentis and defenderes.

" 5. That it salbe lesume to thame that salbe chosine to reassoun for both the parties, to tak counsell and advyce of ony of thair Brither, in ony perplexitie, or in ony particular or incident difficulties.

" 6. That quhatsoever salbe treattit or agrieit upoun in that Conference be deliverit to the Presbytries, and eftir they haiff advysit the same, to the Provincialis, and syne to the Generall Assemblie, ane or moe, thair to be fullie treattit and finalie concludit.

" The great consideratiounes and just reassounes moving the defenderes to mak this Offer to thair Brither foirsaid are thais :

" First, Becaus they are certainly perswadit and informit that sume of thair Brither quho ar opposit hes not obscurely professit to all honourabill professouris of all estaitis, that howevir they haif bein of ane judgment and practise with us in tyme bypast, now by a cleir lycht quhilk hes schynit to thame in thair gryt studie, thay haif found out thair former errouris, and are perswadit that the

<sup>1</sup> Not in Adv. MSS.

Episcopall Governement and Jurisdiction over thair Britherin, quhilk hes bein and is condemned by the Kirk of Scotland, is the ordinance of God; quhilk, if they can cleirly demonstrat be proof of Scripture, in this desyrit Conference, they sin againes God, thair awin saull, and the salvatioun of thair Brither, except they communicat thair lycht to thame that they may walk in it; utherwayes, it wer againes all honnestie and conscience to thame to depairt from the present Discipline, quhairunto they ar bund under the greit oath of the Lord; the reassounes quhairof they ar not aschamit to avow and expresse<sup>1</sup> befor the world.

"2. In the heat of thais contentiounes, the heartis, tongues, and pennis<sup>2</sup> of Jerusaleme Watchemen ar turnit from the enemies of the truth, and are lyk razoris scharpit and sett ane againes ane uthir, and neithir ordinar nor frie Ecclesiasticall meitting, nor wyse men to be found amongis us, to put us in remembrance that we ar Brither, the salt of the earth, and the lycht of the world; but over many of all sortis are readie to add fresch fewall to the flameing fyre of our distractioun; quhairby we and our professioun ar hurt, to the great joye and incouragement of our enimies. Quhilk evilis, and uthiris quhilk may fall out in cais of continowance, by the mereie of God, in this Conference, may possiblie be preventit and remeidit.

"3. Faithfull and unblameabill Ministeres ar presently pressit doun by the burdein of so many great reproches, as if they wer the only trubilleris of Issrael, and traducit to hauld and mantain Anabaptisticall opiniounes, and presentlie hes thair persounes wairdit and thair livingis restraint, againes quhom no occasioun can be found, except concerneing the caus of Discipline and Governement of the Kirk; and it wer ridiculous that the Ministeres of God, in sic caisses, should, lyk bairnes, lay thair handis upoun thair heartis and hurt places, and cry 'Alace!' and in the meintyme seik not the lawfull remedies.

"4. It becumes no wayes the Ministeriall calling to keipe secret

<sup>1</sup> Adv. MSS. "profess."

<sup>2</sup> *Ib.* "hands."

the truth, quhairof they ar perswadit, and quhen thair professioun, or any pairt thairoff, is brought under suspitioun, or impugnit by a cowardlie kind of silence, to betray the caus quhilk they belive sall stand suir<sup>1</sup> in the day of the Lord Jesus.

“ 5. The order and proceidingis of our Kirk ar tryit and carpit within and without the contrie by unfriendis and enimies of the governement of the same ; and by present distractiounes we ar so keipit at under, after this manner, that nethir we dar haif occasioun, nor dar we saiffely answere calumniatouris and oppositiounes.

“ 6. Protestand, that iff the saidis Commissiouneres and Voitteres in Parliament (now commonly callit Bischopis) sall happin to refuse thir modest Offeres and most reassounabill Condiitiounes thairoff, nochtwithstanding of the important reassounes propounit thairin be the said Ministeres, defenderes of the said Discipline and Governement of the Kirk of Scotland, that then, and in that cais, the said Discipline and Governement be reput and holdin wyse, godlie, and peiceabill, and stand unquarrelit quhill<sup>2</sup> they be lawfullie and orderly hard ; and that thair Brither, according to thair credite, use the same as they will answer to God and to his Kirk, for the restoring the Ministeres to thair libertie and livingis ; to the effect that all, in ane brotherly concord, may serve God and honour the King, and with a particular<sup>3</sup> cair and endeavour to procure the weill of Chrystis Kirk within this realme.”

This Conference, craift on baith the sydis, but in far diverse respectis and endis, the Bischope of Glasgow returning from Court the twelfth day of Junij,<sup>4</sup> the Conference wes very cuningly callit and dressit to hauld at Falkland, the 15 of Junij ;<sup>5</sup> quhilk, to the intent it mycht be thought the more frie, diverse of the Brither quho wer confynit wer delt with, and licenceit to be thair ; to quhom, be the rest on that syde, thair wer tuo Lettres sent, worthie of remembrance, [by Mr James Melvill<sup>6</sup>] :—

<sup>1</sup> Sure Adv. MSS. “good.”  
<sup>4</sup> *Ib.* “May.”

<sup>2</sup> Until.  
<sup>5</sup> *Ib.* “July.”

<sup>3</sup> Adv. MSS. “Pastorall.”  
<sup>6</sup> Not in Univ. MS.

[LETTER BY MR JAMES MELVILL TO THE BRETHREN ASSEMBLED  
AT THE CONFERENCE OF FALKLAND.]

"The Spirit of grace be with yow, and of wisdom, and of up-rycht judgment be present with yow, at this tyme and for evir.

"BRITHERIN, Haiffing understood, be the beirer, of a Conference inditit, and sume little of the purpose thairroff, I haiff thought guid to communicate to yow my rude meditatiounes thairannent; trusting ye will tak thame in guid seassoun,<sup>1</sup> albeit, I knaw, far inferiour to the greatnes of the matter [and your cleir insyct.

"Ye ar not ignorant quhat hes bein the event of diverse Conferences and Colloquies, in matteres<sup>2</sup>] of Religioun, leiveing thame in worse estait; quhairupoun hes followit alwayes greitter disturbance, with greitter iniquitie<sup>3</sup> and trouble, as witnesseth *Colloquium Poissiaconum in Gallia*, anno 1561, quhairin Beza and Martyr were colloquitoris for the one<sup>4</sup> pairt: *Item*, [*Colloquium Maulbromense in Palatinis*, anno 1568, quhairin Ursinus and Oliviannus were colloquitoris on our syde againes Jacobus Andre and his complices: *Item*,<sup>5</sup>] *Colloquium Monpelgardense*, anno 1564, *inter Ministros Hannonienses, et Jacobum Andreae* and his adherentis: We remember the event of *Colloquium Fontrunense*, betwixt Monsieur Du Plessis and the Bishop of Euren: Sicklyk the Conference in Hampton Court betwixt Doctor Reynoldis and his fellowis and the English Bischopis, quhairupoun followis the triumphe of Barlow. And iff I remember rycht, Gregorius Nazianzene sayth, *Nunquam se vidisse bonum eventum ex Colloquiis durante schismate in Ecclesia*; the remembrance quhairrof, I doubt not, but the mercie of God sall mak yow moir vigilant, cairfull, and circumspect in this siclyk caus, especially this proceeding from ane hie power, *cujus finis est victoria plus quam veritas!*

<sup>1</sup> Adv. MSS. "pairt."

<sup>2</sup> Not in Adv. MSS.

<sup>3</sup> Adv. MSS. "enmitie."

<sup>4</sup> *Ib.* "our."

<sup>5</sup> Not in Adv. MSS.



"The end of this Conference I understand to be twofold ; Papistrie, and for Disciplinarie controversies. In my judgment, we must not luik sua meikle to the proponeris of baith as to the Hie Disposer of all, quho only out of darknes is abill to bring lycht ; quhill, as I am thinking, quhat sould be the caus that, for matteres of Papistrie, they sould seik your advyse and assistance, they haiffing in thair hand the manageing of all thais matteres of a long tyme, with power and auctoritie, secluding yow, sumtymes also crossing yow in thais effairis. I conjecture two endis, the one, *ad delendam ignominiam Conventus Litgoniensis*, quhairin great thingis wer propounit, nothing prosecutit. 2dly, The matter being of greatest weight, carieing the caus without hatreit, of hazard, and evill-will from the greatest sort within this land, quhat reickis iff they get your pairt<sup>1</sup> of the burdein herein also, as haiffing no burdein on yow alreadie ? But I ceis to search the intentiounes, quhatsoevir they be. I trust, in that pairt, thir salbe found no Papistis.

"As for the Ovirtouris againes thame, they are plain and manifest to all, proceeding only of the former tymes, only wanting execution ; quhilk defect man be urgit and laid on the Bisschopis, quho hes the power in thair handis amonges the Overtouris. I dout not but ye remember cheiffely upon The Commoun Band of Confessioun, anno 1592,<sup>2</sup> quhilk ye know was a fundamentall ground laid againes Papistis.<sup>3</sup> Let this now be renewit,<sup>4</sup> and cheifely urgit to be subscrivit be all ; quhilk, if it could pass throw all and by all, as it wes first devysit and commandit, ye know the guid it mycht [haif] effectuatit. The rest of the Overtouris I dout not wilbe reddie at hand to yow, the executioun quhairoff non urgit<sup>5</sup> upoun Bisschopis and Commissiouneris, and I wald wish that they wer seriously stired up againes the commoun enimies, that they would beginne to renew<sup>6</sup> thair civill warris : But it is to be feirit, that according to the skilfull airt, lyk fenseres, they mint and seik<sup>7</sup> at ane uthir pairt.

<sup>1</sup> Adv. MSS. "strait yow in."

<sup>2</sup> *Ib.* "1562."

<sup>3</sup> *Ib.* "Bischops."

<sup>4</sup> *Ib.* "remembred."

<sup>5</sup> *Ib.* "might be used."

<sup>6</sup> *Ib.* "relent."

<sup>7</sup> *Ib.* "move at and strick ;" i. e. they seemingly aim at one part, but thrust at another.

“ For the uthir, annent matteres of Discipline, shortely I will tak up tuo thingis to be neidfull, in my judgment ; the ane for preparatioun, the uthir for actioun : First, for preparatioun ; let it be rememberit, *1st*, Quhatevir hes bein forgotten in the first rowme, in lyk caussis, to witt, in humiliatioun and fasting to be urgit in our Conference with Bischop Law, that it being intimat to him, he may travell to mak it publict and generall ; quhilk I know will not work on thair pairt, yit it salbe neidfull that they dischairge your conscience in sua neidfull a poynt to him ; but let it be urgit on your pairt, in all Presbyteries, of the purpose, quhair it may not be had publictly, that it may be had privatly amonges the faythfull favoureres of discipline. *2dly*, To give advertisment to all Presbyteries of the purpose, pairtly to remove jealousie that may arryse ; pairtly, for craifing thair Overtouris, advyse, and counsel, quhilk may be done with significatioun of the fast. *3dly*, Propositiones to be propouned, containeing the groundis of Discipline of our Kirk, and bakit by Scripture, Constitutiounes Ecclesiasticall, perpetuall practise, &c. ; quhilk propositiones aither may be extractit out of the Buik of Discipline, or then, according to the same groundis, cleirit by new diligence, quhairin standis *precipuum monumentum causæ*.

“ For the actioun it selff, thir thingis I think neidfull : *First*, That ye haiff amongis your selffis your privat meitingis, and a Moderator privatlie to be chosine among your selffis for consent, harmonie, and guid order. *2dly*, The warrand of your meitingis to be requirit and produceit publictly for the securitie, and the authentik copie thairroff to be keipit for your warrandis. *3dly*, Being at publick meeting for the samene cause, Brethren have been summond, as lately ye remember the event of the Convocatione of the late Conference of the Brether at Hampton Court, and, lately at home, be the example of Mr Williame Rowe, and Mr Henrie Livingstoun, and the example of Mr John Murray, not unlyk preiching at a Generall<sup>1</sup> Assemblie ; and yit wes he appre-

<sup>1</sup> Adv. MSS. “ publick.”

hendit as a malefactor by the Guard, and put in prissoun, quhair he continowis to suffer the same for thais causses. I think it wer neidfull ye sould crave securitie for your selffis in that poynt, that the Conference brek not out into ane new quarreling, and troubling yow for your former meitting, and for defence of the caus. And this poynt is not lychtlie to be passit over, quhilk I recomend to your consideratioun most earnestly. *4thly*, It wer maist neidfull to urge that this Conference wes frie and full, and that be calling their cheiffest memberis absent, &c.; quhilk earnestlie and urgentlie is to be insisted upoun, I mein of the absentis, and specialle of him that is at Londoun;<sup>1</sup> and if this can not be obtieit, to urge the presens of Mr James Melvin, quho is at New Castell; the necessitie heirow is to be dilaited. Siclyk, it is requisit that the persounes be of the frie choyse on your syd on a full caus concerneing all; for reassoun craiffis, and daylie practise schawis, that everie pairtie chuses thair awin Colloquitouris. *5thly*, No Conference to be yeildit unto but by wrytt, under the handis of tuo faythfull wrytteris; for the quhilk I think [Mr Johnne Kenneir and<sup>2</sup>] Mr Johnne Row were the meittest: And this is the very formall<sup>3</sup> and cheiff matter to stand upon; quhilk if it be refusit, I think the Conference can wirk no guid effect; examples are recent. *6th*, Giff it wer grantit, thir thingis wald seime to be most necessar: *First*, To mak the *statum questionis* cleir, quatevir hes bein obscure<sup>4</sup> and disguised in tymes bypast: *2d*, To agrie upoun groundis of reassouning; the cheiff ground to be the Word of God, the only ground discernit and ressavit againes Papistis, togider with the practise of the Christiane Appostolicall and Primitive Kirk. But this I neid not to insist upon; I feir it sall haiff no use at this tyme; but in cais it come to any actioun, verball or reall, one thing is most neidfull, to witt, that a protestatioun be maid, that nothing done or to be done on your pairt may prejudge the publict caus pertieining to all," &c.

<sup>1</sup> Allusion is here made by the Author to his uncle, Mr Andrew Melvill, who was still a prisoner in the Tower of London, at that date.

<sup>2</sup> Not in Adv. MSS.

<sup>3</sup> *Ib.* "principall."

<sup>4</sup> *Ib.* "absurd."

The uthir Lettre disswadit from disputatioun; as followis :

[MR JAMES MELVILL'S SECOND LETTER.]

"BRITHER, Your lettre, for informatioun, full of love and sueit zeall, hes refreshit me verie meikle; and the moir, becaus I wes carefull [and] thristie: As for a challange of disputatioune, I lyk it not, neither coming on your pairt nor thairis, if it can be eschewit; for thais reassounes, quhilk I beseik yow weill to wey and consider:—

"1. They challange the dispuitt, as seiking the vantage, being out of possessione, and not haifeing thair rycht publictly declairit and approvit, as we haif; and they ar seiking first to undoe us, and thairfoir movis disputatioun, quhairin they mein to be sett in the brunt of the battell against Romish English Doctoris, that retireing and yeilding Uriah may be slaine. So did the Leslies with the Guid Regent, the Erle of Murray, at the Feild of Corrichie, and would haif undone him, if he, with a fewer nor a hundred,<sup>1</sup> had not ressavit thame on the poynt of thair speiris.<sup>2</sup>

"2. Disputatioune in a Kirk, quhairintill trew Religioun hes bein once plantit, hes never edifeit, bot, on the contrair, hes evir castin down and destroyit it; becaus it wes movit by theemie: It breideth contentioun *et studium partium*, quhilk pervertis guid ingynis, blindis the judgmentis: *Nam quid est quod non dicenda fiat probabile, quid tam verum firmumque quod non labefactat sophistica oratio.* Also it makis the will obstinat and refractorie, namely of thame that ar carriit efter error, and desyris no better nor to haif any schaw or pretence of reassoun for that quhilk thair heart is carriit efter: Examples, the Disputatiounes in France, Germanie, Helvetia, and in the auld contentious Counsel of Arrianis, Novetianis, [and] Donatistis; quhair, eftir such disputatiounes, heresies wer concludit. Remember latelie the Disputatioun of Monsieur Duplessis and the Bischops of Huruch, as also, laitter at Hamptoun Court.

<sup>1</sup> Adv. MSS. "and five gentlemen."

<sup>2</sup> *Ib.* "Vide Hist. Bugh."

"3. Giff disputatioun upon the Disciplin with Bischopis or English Doctoris, quhy not upoun all the poyntis of Doctrin with the Papistis, as first creaiffing and challenging the samyne as they ? and thairby casting all our Religioun in questioun and doubt, will find a guid entres and preiss fairwaird ; for boith is the doctrin of Chryst, alseweill the one as the uthir, and we haif the lyke war-randis of God and men for boith.

"4. Let them schaw reassounes quhy they preis to alter the present Disciplin, and depairt from us, is reassounes, I say, such as are weightie and relevant, that we may justlie dout thame utherways to be estemit Apostatis at the leist.

"5. Thair *juramentum de calumnia vel veritate* would be requirit, quhither lyk Balaam lyk-myndit, honour and wealth offirit, makis thame to seik new consultatiounes and new revocatiounes, sieing guid Josiah hes cleirly manifestit his will thairannent, and they haif professit, preachit, sworne, and subscryvit, as the undoubtit truth of Chryst ; or, rather, let tham be put to a jurie or assyse of all the guid, wyse, honest, and godlie of the land.<sup>1</sup>

"6. Giff equall disputatioun, quhy is the Kirk of God in Scotland usit lyk Sampson by the Philistinis, intysit to sleip on the knies of Dalila till the sevin lockis of his hair, quhairin lay his greatest strenth, are cuttit aff, and then waknit with a great shout, that all the Philistinis ar upon him, to combate ? Restore Sampson to his place again, and let his lockis grow again, and then come on !

"7. Giff [there be] a disputatioun, thair must be a judge and a pairtie quho wilbe judge ; but the King or moniest voittes of a Generall Assemblie, laid and dressit for the purpose, a pairtie of foraigneres, quho callit thame to dispute againes the Establisshit order of our Kirk, moir nor againes our Kingdome and Commounweill ; or, quho can suffer it that is a true Christiane Scottisman ; or quhat haiff we moir to doe with these now, nor thir fiftie yeiris bygain ? Iff sume of our awin Ministerie be a right, and trew, and just pairtie againes us, they must be traitoris, men-sworne Apostatis,

<sup>1</sup> Adv. MSS. "just, godlie, and wyse in the land."

in deid, *Quibus fulmine excommunicationis potius quam disputationis opus est.*

" 8. Giff disputatioun, then, it must be, and in sua manie yeiris, and in the same forme as the Disciplin wes concludit and estaiblis-chit, viz., by the space of sex or sevin yeiris, and nevir ane article or conclusioun thair of passit, but be the commoun voitis and uni-forme consent of the haill Assemblie be fully and thoughtlie ga-therit out of all the realme, according to the rewle of the law, *Nihil magis naturale quam unum quodque eodem modo solvi quo fuit ligatum.*

" 9. Giff the matter must be decydit be a plaine faught in a sett battell, let us mak the challenge againes English Bisschoppis, and feght it in the middes of England ; yea, evin in Lambeth, giff they will or dar, and nawayes in Scotland, becaus that ane hes bein throughly subdueit to Chryst, that other never ; so, iff we be vic-torious, Chryst sall fully reigne thair also ; iff repulsit, it salbe easie to ressaive our forces with better incouragment ; quhairas ane irre-parabill overthraw mycht be given us in the middes of our awin countrie, and quhairon such a Romishe<sup>1</sup> revolt mycht ensew, as again nevir can be suppressit.

" 10. Finallie, Iff our disputatioune wer sought and undertakin, *candide, bona fide, sincere, et veritatis solummodo indagandi causa*, and, in a word, simplie for edificatioune, and not subtiltie, for distrac-tioun, then such as doubtit mycht, in all love, gentillnes, and long-sufferring, be travellit<sup>2</sup> withall for thair instructioun and resolu-tioun ; but being done provyditlie, polliticallie, yea, evin deceitfully, quhairas the conclusioun is allready laid and determinit, and the propositiones, meines, and middes<sup>3</sup> to attein thairunto, are dilli-gentlie devysit and painefully dressit and platit,<sup>4</sup> it wer a foolishe and rasche expouneing of the cause to wrak, to yeild a dispuitt and casting off a suir rycht in questioun, as for any new law or consti-tutioun, iff equitably and orderlie they proceid. I am not affraid thair off ; and iff subtiltie, and by force of auctoritie, the truth is evir the stronger, and the cause the mair advantageit ; for, as ever be-

<sup>1</sup> Adv. MSS. " ane remisse."

<sup>2</sup> *Ib.* " favoured."

<sup>3</sup> Medium.

<sup>4</sup> Plotted.

fore, so now, Chryst, by suffering and patience, sall prevail, and be victorious in end. These reassounes, and uthiris that of guid consideratioun may arryse heiroff, I wische and dout not but the guid Breither will expend."

#### M.DC.VIII.

The 15 of June,<sup>1</sup> the Conference sought be the Bisschoppes, grantit be the King, and yeildit unto by the Brither, wes keipit at Falkland. The Bisschoppes and Commissiouneres conveyit in the Chappell of the Palice, and the Ministeres, of a guid number, out of all pairtis, conveyit in the Kirk of the towne, quho chusit be thaimself Mr Patrick Simpsoun, Minister at Stirling, thair Moderator; and so, by holie and powerfull prayer and conference, being a little trystit, *ex longo intervallo*, they tell of the sweitnes and confort of thair auld meittingis. In end, they resolvit and agrieit all togider upoun Four Articles to be givin in unto the Bisschoppis and Commissiouneris, for concord and peice.

#### [ARTICLES GIVEN IN TO THE BISHOPS AND COMMISSIONERS AT THE CONFERENCE AT FALKLAND.]

"1. That the Cautiounes of the Generall Assemblie haulden in the Kingis presence, at Montrose, sould be insert in the bodie of the Actis of Parliament maid in favour of the Bisschopis, and they censurit accordingle; as was cravit by the Commissiouneres of the Generall Assemblie at Perth, quhair the saidis actis wes maid.

"2. That the Disciplin and Gouvernement of the Kirk, practisit and establischt, sworne, and subscryvit, sould continow and stand incontrollabill.<sup>2</sup>

"3. That the Generall Assemblie and Provinciallis<sup>3</sup> sould be restorit to thair auld integritie, as the most effectuell meines to beir doun thair enimies.

<sup>1</sup> Adv. MSS. "July."

<sup>2</sup> *Ib.* "inviolable."

<sup>3</sup> Synodal Assemblies.

"4. That the banischit and confyneit Brither, Godis faithfull servantis, sould be restorit to thair awin places and liberties they had befor."

Thais being hollily, weightily, and gravelie propounit be the said Moderator, Mr Patrick Simpsoun, in name of the hail, to the Bischoppes and Commissiouneres, they seimit to lyk weill of thame, as most reassonabill; but said they must be conferred upoun, and agriet upoun at the said Assembly, that they may haiff the greater weight to move the Kingis Majestie to consent thairto. The quhilk Assemblie, that it may be permittit, authorisit, and peiceabilly keipit, be the Kingis Majestie his licence and guid will, eftir long deilling, thir Articles eftir following wer advysit, reassoneit, and agriet upon by all, on both the sydis :

ARTICLES AGRIET UPOUN BE THE BRITHERIN CONVEINIT AT FALKLAND, THE 15 OF JUNE 1608, AND BE THE WAY OF ADVYCE, RECOMMENDIT TO ALL THE PRESBYTERIES WITHIN THE KINGDOME.

"That the Questiounes presentlie standing in controversie amonges the Ministeres, annent the matter of Government, be untuiched and unhandlit on aither syd, till the nixt Generall Assemblie; and no occasioun givin in by privat or publict speiches, of any further distractioun of mynd; but that all, by guid countenance, and uthirwayis,<sup>1</sup> kythe thamselffis<sup>2</sup> to uthiris, as Britherin and Ministeres of Chryst; setting thamselves with thair endeavour, specially in doctrin, againes the Papistis, thair superstitious religioun, and proud pernicious practises.

"2. That the Generall Assembly be haldin at the tyme appoyntit, the last Tuysday of July,<sup>3</sup> and that his Majestie be most humbly intreatit for that effect.

"3. In the said Assemblie, the commoun effairis of the Kirk

<sup>1</sup> Adv. MSS. "on aither side."

<sup>2</sup> *Ib.* "counsellors."

<sup>3</sup> *Ib.* "June."



salbe handlit, and ane accompt taken of the Commissiouneris givin in the Assembly preceeding, and sume solid cours advysit upoun for disapoynting of the practise of the enimies, in the advancing of the Gospell of Jesus Chryst.

“ 4. That nothing that is in controversie, and makes stryff in the Kirk, be treatit in the said Assemblie, bot<sup>1</sup> the same be conferrit upoun in a Privie Conference, be sic as the Assemblie sall appoynt to prepar a way for thais difficulties ; and the Assemblie to appoynt a meitting of the Britherin, at sic tymes, place, and maner, as salbe found fitt for that effect.

“ 5. That request salbe maid to his Majestie for relaxing of the Britherin that ar confynit, and specially sic of them as haif bein present at the Conference, that they may keipe the said Assemblie.”

Now the thingis that movit the Ministeres to agrie to thais Articles wes, *metus majoris mali*, or feir of greatter inconveniences, to hauld aff evil so long as they could ; for they were assureitly informit that the Erle of Dumbar, with the English Doctoris, and a great number of new Erles, Lordis, and Knightis, wer come doune, preparit to overthrow the Discipline with one blow. And, indeed, about the end of Junij, the Erle of Dumbar come doun with a magnific Commissiune of Livetennantrie for all the North pairtis, and wes ressavit at New Castle with above fourty schottis of great ordinance, and other ceremonies apperteinand. Thair come, sum dayes befor him, tuo Englisch Doctoris, to witt, Doctor Abbottis, Deane of Winchester, and Doctor Luggie,<sup>2</sup> Deane of Ripoun, who stayit upon the Erle of Dumbar at Berwike ; and so went in with him to Scotland. Thair went ane uthir Doctor also by watter, ane of the Kingis Chaplaines, Doctor Major.<sup>3</sup> Thair message, in all outward appeirance, wes to perswad the Scottis that thair wes no diversitie of Religiou, in substance, betuix the realmes ; only sum difference in thingis indifferent, concerneing the Kirkis Gouverne-

<sup>1</sup> Adv. MSS. “ unless.”

<sup>2</sup> Dr Higgins.

<sup>3</sup> Adv. MSS. “ Maxwell ;” Maxy.

ment and Ceremonies. So thai sould hauld fast be Chryst, quhither under the governement of the Presbyteries or Bischoppis. They utterit also that it wes his Majestie's will, that Scotland sould stand as his Majestie left it, and England as he fand it; and, indeed, they never uttirit thair oppinioun plainely, but once in St Androis, eftir that they had heard Mr Robert Howe, out of Mr Andro Melvine's chyre, speik affrontitie, far by<sup>1</sup> thair and all menis oppiniounes and expectatioun, againes the haill Estabilischit Discipline of the Kirk of Scotland, for the auctoritie of Bisschoppis; for the quhilk he wes seveirlic censurit by his Presbytrie, and honnestlie and mychtilie refutit publictlie be sume of Mr Androis scholleres. It wes alsoe lairgelie talkit of, that no small soumes of money com doune to be distributit amonges the Ministeres and uthiris. To meitt this withall, some of the Brither in Fyfe did put in forme ane Commissioun, with certaine Instructiounes, and sent the same throughout all the Presbyteries, that all thair Commissiouneres mycht come uniformly to stand to the Estabilischit Disciplin againes all assaultis; the tennour quhairof followis:

#### THE COMMOUNE COMMISSIOUNE.

"We, the Moderator and remanent Brither of the Presbytrie of A., understanding that thair is a Generall Assemblie to be haldin at B. the . . . day of C. nixtocum, in the yeir of God 1608; and, eftir dew advysement, haifing found that be the long intermissioun and want of a Generall Assemblie, alsweill ordinar as *pro re nata*, the dischairgeing of sindrie Provinciallis [of thair meittingis, the absence and restraint of sindry Ministeres of certain Presbyteries of the principall Provinces<sup>2</sup>] within the kingdome, the taking the libertie from sindrie Presbyteries of electioun of Commissiouneres to the Generall Assemblies, now pushit and thrawin contrair to the order and forme<sup>3</sup> of the Kirk, the withhauolding of stipendis from sum of

<sup>1</sup> Against, contrary to.

<sup>2</sup> Not in Adv. MSS.

<sup>3</sup> Adv. MSS. "custome."

the Ministeres, and schoiring<sup>1</sup> of utheris with the lyk censure, except they yeildit to the intendit alteratiounes and innovatiounes of the feirfull distractiounes of the Ministeres, the grouthe of Papistrie, and the pride and insolencie of Papistis, all orderles persounes, the great number of appeallatiounes undiscussit; and by the dangerous sequell of everie ane of thais, and of thame all conjunctly, the unitie, peace, and order, and edificatioune of the Kirk within the realme is dangerously woundit, impairit, and hinderit; and be the doubtis, difficulties, questiounes, and dispautiones dayely arysing of the former occasioun farther to be indangerit, except be the mercie of God sume godlie and wyse remedie be provydit tymeously: We haif thairfor appoyntit, and be thir presentis appoyntis, constitutes, and ordaines A. B. C. our Commissiouneres; giveing unto thame our lawfull power and commissioun to repair to the said Generall Assemblie againes the first day thairoff, and thair in our names to treat, reassoun, voit, and conclude concerneing the repressing of Papistis, Papistrie, and ordourles persounes, the discussing of appellatiounes, the setting down of convenient Orderis, Overtouris, and Articles, annent the reformeing<sup>2</sup> of the Generall Assemblie, Provinciallis, and Presbytries, to the frie use of thair former liberties and priviledgis, ratifeit and approvin be law; the removeing of the present distractiounes of the Ministrie,<sup>3</sup> and the caussis thairof; and the searching out and putting in forme sic conditiounes off peace; as, quhairin the great God may haiff his dew honnour, the Kingis Majestie may haif his contentment, and quhairby the remanent Ministeres and memberes of our professioun may be in a godly consent and concord remitted, with express command to pas from the said Generall Assemblie to the Provinciallis and Presbytries, and ilk ane of them, to peruse the said Overtouris and Articles; and after dew reassouning and deliberatioun had therupoun, to returne the same rypelie advyseit, togidder with thair best oppiniounes annent the convenient removall of thir present evillis, and settling of solid order for peice and concord in tymes

<sup>1</sup> Threatening.<sup>2</sup> Adv. MSS. "restoring."<sup>3</sup> *ib.* "Breither."

comming to the nixt Generall Assemblie, to the effect that they may be concludit with brotherlie harmony and consent : And by reassoun of the saidis distractiounes and uthiris evillis above writtin, expressly prohibiting the saidis A. B. C., our Commissiouneres, and ilk ane of thame, under the pain of depositioun from thair offices in the Ministerie, and excommunicatioun, to vote or any wayes to give consent to any innovatiounes or alteratiounes of the Governement within the Kirke of Scotland, and Articles or clauses thairroff quhatsoever, haif bein intendit to haif bein alterit or innovat since the Generall Assemblie, haulden at Halirudhous in November 1602,<sup>1</sup> or sall happin to be intendit in this present Assemblie for advantageing or establisshing the Episcopall Governement, quhilk is, and hes bein evir judgit be this Kirk contrair to the Word of God, or to the transferring of the power and the ordour of electing Moderatoris over Provinciallis or Presbytries, from aither of thame *respective*, and conferring thairroff to any uthir persoune or persounes quhatsumevir ; or to the continowance of any Moderator in his office of moderatioun longer nor from ane Provinciall to ane uthir *respective*, as the Kirk, for verie guid causes, hes bein accustomeit ; and, generally, to doe no matter that in any wayes may breid, noorishe, or increas distractiounes within the Kirk of this realme : Declairing that quhatsoever they sall doe in thais causes salbe null and of no effect, and thame to be censurit and proceidit againes as is above provydit be this our Commissioun. Subscrivit be our Clerk at our command," &c.

INSTRUCTIONES FOR THE COMMISSIOUNERES TO BE DIRECTIT  
TO THE ENSEWING GENERALL ASSEMBLIE.

"First, That at the productioun of the present Generall Commissioun, and before any matter be actit in the Generall Assemblie to be houlden, &c., the Commissiouneres earnestlie desyre this

<sup>1</sup> Adv. MSS. "1564."

present Commissioun to be registrat in the Buikis of the Generall Assemblie, at leist ane act maid in the begining of the Assemblie, expreeslie beiring that no matter salbe handlit thairin but according to the tennour of this present Commissioun; and in cais of refussall of the ane or the uthir, to protest that they produceit ane Commissioun of sic a tennour, and thaireftir desyrit the Protestatioun, with the Commissioun, to be ingrost and registrat: Quhiik being done, let thame adhere to the Protestatioun, and publictlie dissassent from quhatsoever salbe done uthirwayes nor<sup>1</sup> the said Commissioun beiris.

"2. That it would pleis the present Assemblie, for farther explanatioun<sup>2</sup> of the Articles of the Buik of Discipline, annent the electioun of Moderatoris of Assemblie, to declair and by ordinance establishe, that all the Provincialis, Presbyteries, and utheris lawfull Assemblies of the Kirk within this kingdome, and ilk ane of tham, hes in ilk ane of tham selfis, *respective*, lawfull and sufficient power to chuse, censure, input, and remove thair awin Moderator; and that the lawfull continowance of ilk Moderator in his office of Moderatioun, alsweill of Provincialis as of Presbyteries, in the lawfull Assemblie of the Kirk, and salbe from ane Provinciall to ane uther; and that for eschewing of iniquitie, and ambitioun, and tyrannie.

"3. That no Minister burdeinit, or that in any tyme heireftir sall happin to be burdeinit, be the Generall Assemblie with Commissioun, in weightie matteres of the Kirk, mycht be in tyme cumming dureing his Commissioun over-burdeinit with the Moderatioun, or electit Moderator of any Presbytrie, Provinciall or Generall Assemblie.

"4. That the actis of the Generall Assemblie alreadie maid againes dilapidatioun, againes non-residence, cairlesnes, and uthir corruptiounes in the persounes and callingis of the Ministeres, with sic additiounes as salbe found neidfull, be gravely recommendit to the Provincialis and Presbyteries; with express command to thame, with all possibill dilligence, to censure thair awin memberes, *respec-*

<sup>1</sup> Than.

<sup>2</sup> Adv. MSS. "explicatione."

*tive*, according to the act of the Generall Assemblie, without exception of persones or excuse, as ye will answer to God, and that in ane larger Assemblie.

“5. In cais any innovatioun salbe maid prejudiciall to the present disciplin, or any wayes tending to the furtherance of Episcopall government in any degree, ye failyie not to declare to the said Assemblie that we and our Britherin, favoureris of the Disciplin and Government, in the face of this present Assemblie, doe offer to defend the same Discipline be warrandis of the Word of God, and to oppugne quhat can be opposit againes the same, or quhat can be said for Episcopall Government; as our said offer at length bears: Humbly requiesting the said Assemblie to consider of the said Offer, and to insist, mantein, and stand for the guid caus.

“Finalie, ye sall tak heid that no Nobillmen, Barrounes, nor Burgessis, be admittit to vote in the Generall Assemblie, namely in matteres of weight, concerneing the Government of the Kirk, but sic as haiff Commissioun from the Presbytries, and thair of so mony only as the order and custome of our Kirk allowis.”

The samyne yeir also, Doctor Montague, Deane of the Kingis Chappell, wes promoteit to be Bisschop of Bath and Wailles, at quhais inaguratioun, Doctor Downame, Dean in the Chappell of Lambeth, maid the sermone for the mantinence of the dignitie and authoritie of the office of Bisschoppis above Ministeres; the quhilk being ane abridgment of Doctor Bilsounes Perpetuall Government, wes thought of sic valour for the caus, that it was pennit, and printit coppies thair of sent to Scotland befor the appoyntit Assemblie: But it wes well answered, first and presentlie, for that both thair Bisschoppis and Doctouris wes over frank, accomptit strong for the Disciplin; and all the world saw it wes the world that blindit and miscariit thame. I say, it wes well answered, first and presently, scharplie, wyselie, and shortlie, becaus of the instant tyme; and thaireftir, at great lenth, fullie for the posteritie. So that sufficient remedies and counter poysounes wes provydit for all, save for the

inammone of monie;<sup>1</sup> againes the quhilk only prayer to Chryst, to keip his awin from Balaames wages of unrychteousnes, wes found profitabill; quhilk, indeid, wes pourit out by all the myndfull of the caus. And so the Generall Assemblie, proclaimit to be haulden at Halirudhous,<sup>2</sup> wes keipit at Lithgow the last Tuysday of July 1608. The proceedings quhair of is in matter and maner, as it wes in schew and toakin for the rest, as followis :

Maister Patrick Galloway, Moderator of the last Generall Assemblie hauldin at Halirudhous, maid the exhortatioun, poynting only at such thingis as wes controvertit among the Brither, and yit to the joy and contentment of the best. The sermone endit, the Assemblie convenit very frequently,<sup>3</sup> so that scairselie the halff of the Moderatoris voyce wes heard. The number of Nobillmen and Gentillmen quho voitit in the Assemblie, be his Majestie's direction, wes above fourtie; quhilk put the Brither in a great feir that sume mischevious conclusioun wes to pas by pluralitie of voitis. Diverse of the Brither schew the Moderator that that wes againes the act of the Generall Assemblie, quhilk grantit only thrie Com-missiouneres to the King; but their speich prevailit not, for it wes answerit, that if they sould cast off the Nobillmen, thair conclusioun wauld want executioun: "For we," said the Moderator, "must pray and preich, but they must feight!" And so it went to the chuseing of a new Moderator; and the persounes on the leitis wer, Masteris Patrik Simpsoun, Johne Hall, Patrik Scharpe, Johne Nicolsoun, and James Law, callit Bisschop of Orknay. The greitt-est number of Ministeris voitit to Mr Patrik Simpsoun, a number to Mr Johne Hall and Mr Patrik Scharpe, feiring Mr Patrik Simpsounes health, (quho, indeid, hes bein deidlie disseasit, and miracu-louslie restorit to health by God,) quhill as Mr James Nicolsoun, the much reposit upon Moderator of the last Assemblie, wes takin away in the middes of his dayes marvelouslie, so that none of the best Ministeres gave voit to the Bisschop; and yit, be the numberis of Erlis, Lordis, Knychtis, and Gentilmen, sent thair of purpose be

<sup>1</sup> Money.<sup>2</sup> Adv. MSS. "Dundie."<sup>3</sup> Numerously.

the King, the Bisschop Law wes imposit Moderator rather then chosin; and howbeit all the Nobillmen and Gentillmen, Bisschoppis, Commissionneris, and thair adherentis, voitit to the Bisschop Law, yit a number of the best of the Ministerie pingled<sup>1</sup> them; so that, iff they had not bein devydit becaus of Mr Patrick Simpsoune's diseas and waiknes, it wes thought they sould haiff prevailit. The quhilk thing being markit, no less feirit the Bisschopis to propoun any thing directlie for that purpose, nor they encourragit; the guid Ministerie persaving such a guid number sett in a way of uprycht-nes as wes sufficient aneugh to resist any conclusioun prejudiciall to the guid caus of the Kirk.

Bischop Orkney being sett doun Moderator, First, the Erle of Dumbar, his Majestie's Great Commissionner, deliveris to him a Lettre from the Kingis Majestie, conteining tuo poyntis; ane, his zealle and cair to resist and repress Papistrie; the uthir, his love to the Kirk of Scotland and the guid estait thairof; wisching everie thing that mycht hurt the same mycht be removit, as namely the present distractioun and alienatioun of heartis that wer among the Brither about circumstances and matteris indifferent, quhilk ethir mycht be or not. His Heines' Lettre wes verie kyndlie and reverently ressavit, and thankis given to God for that guid affectioun; persounes to be upon the Privie Conference ar chosine: Many of all the Nobillmen thair, and the greatest pairt of the Ministerie, wer of sic as wes on the Blakburd<sup>2</sup> syd.

First, They resolve to take ordour with Papistis; and then, eftir the wysest maner, to remove the causes of distractioun. Papistis wer divydit in thrie sortis, Professit, Suspectit, and Not-communicantis, or in proces. The Professit headis wer thrie, in speciall, the Marques of Huntly, the Erles of Angus and Arrell.<sup>3</sup> Tuiching the Marques, they demandit the Bischop of Abirdein, "Iff he had excommunicat him according to the directioun givin at Falkland?" Quho answerit, "No." They speirit,<sup>4</sup> "If the proces deducit againes him wes closed?" He answerit, "It wes, and nothing resting but

<sup>1</sup> Reduced them to straits.<sup>2</sup> Adv. MSS. "Babell's."<sup>3</sup> Errol.<sup>4</sup> Asked.



the pronouncing of the sentence." They answerit, " Quhither the sentence mycht presentlie be pronuncit in the face of the Assemblie, or remittit to the Presbytrie of Aberdein ?" All with ane voyce condescendit that it sould be presentlie pronuncit, but<sup>1</sup> any forder delay. Quhilk the Moderator, eftir a solemne maner, did. And it being endit, his Majestie's Commissiouner condescendit, fourtie dayes being expyrit eftir the pronouncing of the said sentence, the Civill Sword sould pas againes him, but<sup>2</sup> mercie or favour to him and his, yea, thought sume of his freindis sould haif cum and buy his escheit, it sould be refuissit. It wes further ordainit, that everie Minister, in his pulpit, immediatlíe eftir his returneing hame, sould mak publicatioun thairoff to his flocke, that quhosoever sould re-save or intertein him sould incurr the same sentence. And as for Angus and Arrell, the Presbyteries of Perth and Glasgow, *respective*, are ordainit, how soone they sould sitt down, to urge thame to the conformitie of heiring of the Word, useing of the Sacramentis, and Christiane obedience ; and failyeing thairoff, the sentence of excommunicatioun [to be pronuncit againes thame befor the 15 of August nixtocum, his Majestie's Commissiouner promiseing the execution of the civil lawis<sup>3</sup>] to pass againes thame, in lyk maner, without favour. The Lord Maxwell, for the filthie murthering of the Laird of Johnstoune, wes ordainit to be excommunicat in Edinbruche.

Concerneing the rest of the Papistis, this Overtoure wes givin, that every Provinciall<sup>4</sup> sould conveyin by thame selff in the place quhair the Bisschop or Moderator of the Province sould appoynt, and sould give up the names of the Papistis professit, suspectit, and not-communicantis, and that without feid<sup>5</sup> or favour, or conceiling from the Counsel of any of thair names. The quhilk to doe the aith<sup>6</sup> wes solemnelie takin in the presens of God and hail Assemblie. Forder, that the Provinces conveyit sould try the causses of the incresse of Papistis, and devyse remedies for taking away off the same, [and the rollis of the Papistis' names, causseres of incres

<sup>1</sup> Without.<sup>2</sup> Adv. MSS. "without."<sup>3</sup> Not in Adv. MSS.<sup>4</sup> Every

Synod, or Provincial Assembly.

<sup>5</sup> Feud.<sup>6</sup> Oath.

of Papistrie, and remedies for the same,<sup>1]</sup> to be reportit in wryt to the haill Assemblie. A great number of the Papistis, in all places of the realme, of all sortis, were givin up.

The causes, in lyk maner, of Papistrie, quhilk wer thought to be these: *First*, Impunitie of the cheiff and principall; neither Spirituall nor Civill Sword stryking on thame; and that becaus of the want of a Generall Assemblie thais many yeiris bypast, and the oversyght<sup>2</sup> of sic to quhom the gouvernement of the kingdome wes committit by his Hienes, suspectit of Papistrie tham selffis thais many yeiris bypast, and thairfor oversieris and favoureris of utheris: The remeid of this wes a Petitioun to be presentit to his Majestie concerneing the remedie, and craveing the libertie of a Generall Assemblie and Provincialis, according and conforme to the actis of Parliament; and that sic Office-beireris suspectit of Papistrie be removeit, and sound<sup>3</sup> Protestantis put in thair rowmes. *2dly*, The second caus of Papistrie and incres thairof wes found to be the over rasche and haistie admissioun of Ministeres, without exact tryell of thair qualificatioun and abilitie for dischargeing of such a hight calling: The remeid of this wes, that a lairge tyme could be spent in tryell befor impositioun of handis, according to the reule of the Appostle. *3dly*, The third caus of the incres of Papistrie wes the present distractiounes among the Ministerie tham selffis; quhilk the enimie labouris to foster, so far as lay in his power; and the restraint of so many faithfull Brither, banishit, imprissounit, and confynit within the realme and without, quho, quhen they were present in thair awin places, wer feirfull and terribill to their enimies: The remeid of the third caus wes, that ane Overtoure could be thought upoun for removing of this present<sup>4</sup> distractioun, and a Petitioun maid to the Kingis Majestie for relie of sic Brither as wes put from thair places and callingis.

Thir thrie poyntis, Names of the Papistis, the Causis of Papistrie, and the Remeidis thairof, wes presentit by the Provinces to the Privie Conference: In the quhilk this Overture was thought guid

<sup>1</sup> Omitted in Adv. MSS.

<sup>2</sup> Neglect, culpably overlooking or winking at.

<sup>3</sup> Adv. MSS. "deposed, and some."

<sup>4</sup> *Ib.* "healing of the said."

to be proponit to the haill Assemblie, that a little buik sould be maid, and thairunto the names of the haill Papistis sould be sett down, Professit, Suspectit, and Non-communicantis, and be certaine Commissioneres chosine be the said Assemblie, the said buik to be presentit to the Kingis Majestie for order taking with the saids Papistis and excommunicatis, eftir the danger was apprehendit. So the Commissioneres wer chosin, the Earle of Wigtoun, the Bisschop of Glasgow, the Laird of Kilsyth, the Lord Little-Justice ; for the Burgesses, James Nizebitt, Baillie of Edinbruche ; and, for the Ministerie, Maister Williame Couper, Minister at Perth. And to the end the Brither mycht be assurit of the sinceritie and truth proceeding againes Papistis, and that it sould vanish in the air, as did the last meittingis at Lithgow, and especiallie of the last meitting. Tuo Ministeres out of ilk Province wer appoyntit to meit at Edinbruche the 13 day of November nixtocum, to heir his Majestie's answer tuiching thais Papistis, and to seik the executioun thair-off without partialitie. The Presbytrie, in the meantyme, comandit to intend proces againes all Papistis quhois names are conteinit in that buik, that, being convictit, the sentence of excommunication mycht be pronunceit againes thame without delay. Thais thingis, without long advysement or consultatioun, past againes Papistis.

The second thing intreatit upon wes the Tryell of Visitatiounes, committit by the Assembly at Halirudhous to certaine Brither ; of the quhilk number sume wer present, and sume wer absent. Such as wer present gave in thair diligence in wrytt, and thais wryttis committit to certaine Brither to peruse : They fand many kirkis wanting persones, to witt, fitt Pastoris, togider with great disorderis, especially in Caitnes and Sudderland, in the Merse, and the rest of the Dailis<sup>1</sup> annexit to that Synod ; for remeidng quhairoff, the Bisschop of Glasgow and Mr Johne Knox wer appoyntit Visitoris for the Merse and the Dailis ; the Bisschop of Caitnes and Mr George Hay for Caitnes and Sutherland. And then the Commis-

<sup>1</sup> This refers to the districts of Teviotdale, Tweeddale, &c.

siouneres of the last Generall Assemblie offerit thame selffis to be tryit, iff thai had done thair office faithfullly and dilligently or not; quho went all out, and Mr Williame Couper supplieit the rowme<sup>1</sup> of the Moderator, for that the Moderator wes ane of thais Commis-siouneris. The Brither, by him, being required, Quhither they had any thing to lay to thair charge that wes Commissiouneres? No man answerit any thing; so that silence wes tain<sup>2</sup> for approba-tioun, sieing thair wes nothing laid to thair chairge: Quhairupoun wes made ane act of allowance of thame, as honnest men and faith-full Commissiouneres, and thairfor worthie to be continowit in thair office, namelie, becaus it wes his Majestie's will that thais Commis-siouneres sould be continowit in thair offices, uthirwayes he would heir none of the Kirk matteris by ony thair; and that the rowmes of thais quho had depairtit this lyff sould be fillit to his lyking. The Moderator schew that the continowance of the former, and the supplying of the places vacant as his Majestie desyrit, wes best, for diverse causses: First, Becaus of thair moyen<sup>3</sup> and riches, quhair-by they mycht travel from place to place, as the matteris off the Kirk sould requyre: *2dly*, Becaus of the credit off the King, quho would heir non uthir: *3dly*, Becaus of thair experience and skille in handling of matteres, haveing had great and long practise. *4thly*, and last, Becaus thair wes none of that Assemblie fitter and meitter nor they wer. To this the Brither condescendit, with protesta-tioun that the continowance of thame, for this yeir following, sould not prejudice the libertie of the Kirk in thair frie electioun; quhillk Protestatioun wes admittit, and actit in the Buik of the Assemblie.

The last principall thing handlit in this Assemblie wes, how the distractioun among the Brither mycht be removeit, to the end that in unitie of ane spirit, all mycht joyne tham selff togider againes the comoun enimie. The devyseing of this wes commendit to four of the best and wysest Brither, togider with his Majestie's Com-missiouner. The Overture devysit by thame wes this, that sieing thair wes a double distractioun amongis thame, to witt, boith in af-

<sup>1</sup> Adv. MSS. "place."<sup>2</sup> Taken.<sup>3</sup> Influence.

fection and judgment, baith of thame sould be takin away, efter this manner: The distractioun in affectioun, sieing it wes carnall and uncumelie in the persounes of all Christianis, much moir in Preicheris, sould be takin away be reconciliatioun, testifieit be the said whole Brither efter a solemne manner, promyseing befor God and the Assemblie to lay asyd all rancour and malice, iff any wer in thair heartis befor; and in tyme cumming to love ane another as the servantis of ane Lord and Maister. This promise wes confirmit by ane aith [by lifteing up the hand befor God, in presens of the Assemblie. Farther, it wes ordainit that this reconciliatioun past by ane aith<sup>1</sup>] amonges the Brither, sould be reiterat in the Presbyteries, efter thair hame-cummeing, and thane solemnelie intimat in thair severall pulpitis, to the joye of Godis childrein, and terrour of thair enimies.

The distractioun of judgement to be tane away be a conference of sic persounes as the Ministerie, on boith the sydis, sic as are thought to be best lairnit, disposit to peice, and sein<sup>2</sup> in the materes controvertit: For the Ministers, Maisteris Patrick Simsoun, Johne Hall, Williame Scott, Johne Carmichael, Johne Knox, with fyve more,<sup>3</sup> etc.; upoun the uther syd, fyve Bisschopis, St Androis, Glasgow, Orkney, Duncaldin,<sup>4</sup> etc., with fyve Ministeris; twentie in all, to meitt befor his Majestie or his Commissiouneris, reassoun and consult upon matteres, preisseing thairby to find out a guid Overtour and middis<sup>5</sup> quhairunto boith mycht agrie, and this Overtour to be reportit to the nixt Generall Assemblie, thair to pass.

In conclusioun, the Moderator preissit to ordain the Bisschoppis to be Visitoris in thair awin diosie; but it wes resistit. For the quhilk caus, all sort of visitatioun, boith in the persoun of the Bisschoppis and uthiris, wes dischairgit. The billis and supplicatiounes wer remittit to the Commissiouneres of the said Assemblie, save

<sup>1</sup> Omitted in Adv. MSS.

<sup>2</sup> Skilled, experienced, conversant with.

<sup>3</sup> "Patrick Galloway, Archibald Oswald, Adam Bannatyne, John Weems, and William Couper."—(*Cald. Hist.* fol. 598.)

<sup>4</sup> "Caithness; Mrs Patrick Sharpe, Robert Howie, John Mitchelson, Henrie Phillip, and George Hay." <sup>5</sup> Medium, middle course.

only a supplicatioun, quhilk the Elderis of the parochine<sup>1</sup> of Kilrynie gave in for the releiff and hame-bringing to thame of thair Minister, Mr James Melvin; quhilk wes ressavit and publictlie read in the face of the Assemblie: Quhairunto the Erle of Dumbar answerit, that the Commissiouneres directit with the Rollis of Papistis sould interpone a requeist, in the name of the Assemblie, for the releiff of the said Mr James, quhom he wald assist, for a report of his Majestie's gracious answer thairannent; be occasioun quhairoff, Mr Andro Melvin, Mr Robert Bruce, Mr Williame Rowe, and Mr Johne Murray, the banischit honest Brither, and all the confynit at home, wer mentiounit: And the Brither, all with ane crye,<sup>2</sup> sollicitate the Moderator to requeist his Majestie's Commissiouner, with the rest that wer sent up, to be instant with the Kingis Majestie, in name of the Assemblie, for thair releiffe and libertie. They grantit to do for, except for the Brither banischit, quhois releiff the King would not grant, except thai would confess thair fault, and crave his Majestie's pardoun. The Britherin of the Ministerie, quhois stipendis wes not sufficient to sustein thame selffis and thair families, ar ordainit to be in Edinbruche the 15 of August, that they may haif exceptioun from the present taxatioun, and exemptit thairfra, and in all tyme to cume: In end, the nixt Generall Assemblie wes appoyntit to be hauldin at Edinbruche, the last Tuysday of May 1609.

This Assemblie had a fair schaw, but the pollicie thairoff wes detectit, and thus wes it censurit by the judicatoris,<sup>3</sup> for thairin they fand thrie or four dangerous eyelistis<sup>4</sup> that they could not digest: [1st,] The censure of the Commissiouneres of the Generall Assemblie at Halirudhous, and thair approbatioun by silence; quhilk, iff the conditiones at Falkland had bein keipit, sould not haiff bein tuichit, in respect that the controversies of our Kirk did cheifely strick upon their proceedingis: 2dly, The casting off of all Visitation of the Kirkes, becaus they could not be had in the persoun

<sup>1</sup> Adv. MSS. "Congregation."<sup>2</sup> *Ib.* "consent."<sup>3</sup> *Ib.* "judicious."<sup>4</sup> Eyesores; Adv. MSS. "acts."

of Bisschoppis, as thought Bischoppries wer so necessar in our Kirk, that without them we sould haif no Visitatioun, nor doe no guid. *3dly*, Under pretence of thair reconciliatioun, and abstinence from all controvertit poyntis, till they be determinit thairupoun, the Bisschopis thinkis they haif closit all the mouthis of the adversar Ministeris from speiking in the defence of the Estabilischit Disciplin, alsewel as in oppouneing<sup>1</sup> thairto, and sua hes brought boith in suspense and questione, as thought boith lay over amongst us to be decydit<sup>2</sup> quhat Disciplin wes most lawfull; and in this advantage they haiff allreadie kythit, by occasioun of sume doctrine delyverit in excerceis of our Disciplin, quhilk wes censurit as done againes the trewis,<sup>3</sup> as they call it, thinking that thair sould not a word be spokin in disciplin matteres, to or fra<sup>4</sup>—a devilish pollicie! This is the poyssoune craftilie convoyit in that Assembly. *4thly*, That all the greitter deilling againes the Papistis is, becaus of the buik of Tortus, quhairin the King is challengit of favoris and promisses maid to the Pope and the Papistis, and will resolve in a particular casting off of sume courteouris polliticallie, Papishe affectit, quhairby to cloke and dissemble in matteres the better for a quhyle; yit thair wes one thing much to be rejoycit into, to witt, the soundnes of the Ministeres for the most pairt; quhilk, as we undirstand, hes frayit<sup>5</sup> thame, that they will be laith to hazard *summam rei* upon thair voitis again in a full<sup>6</sup> Assemblie, unles thai finde the matteres surelier and bettir dressit.

The third, and deductioun of the generall storie hes stayit the particular, concerneing Mr Johne Murray, untill now; quhilk fell furth in the same yeir, and wes thus. This gentillman, of guid accompt as for his birth, and marriage of a most godly and nobill virgin in the world; so, for his singular giftis, and faithfulness in his ministerie, wes ordainit Pastor in the Kirk off Leith, quhair the new-maid Bisschopis had thair meittingis, consultationes, dancing,<sup>7</sup>

<sup>1</sup> Adv. MSS. "oppugning."    <sup>2</sup> *Ib.* "debated."    <sup>3</sup> *Ib.* "Truce."    <sup>4</sup> To and fro; on the one side or on the other.    <sup>5</sup> Affrighted.    <sup>6</sup> Adv. MSS. "free."

<sup>7</sup> *Ib.* "drinking."

and playing at cairtis,<sup>1</sup> dyce, and worse excerceisses; quhairwith Mr Johne mett sickerly, within the sermones; also if any of tham had, in thair doctrin, (for they taught oftymes in Mr David Lindsay's place,) glanceit at Episcopall auctoritie and gouvernement, it wes without delaye maid oppin and manifest<sup>2</sup> by the said Mr Johne. This angerit the Bisschoppis at the heart; and thairfoir thai resolvit to dilait him [to mak informatioun of him to the Kingis Majestie; quhilk wes done sindrie tymes by him, quho] postit continowallie for the rest, to witt Glasgow, the sonne-in-law to Rosse,<sup>3</sup> quho then wer nameit Cajaphas and Annas! And, notwithstanding, by the favour and wyse deilling of his freindis, quhairroff he had mony, both at Court and at home, he continowit on, most profitabillie and most confortabillie, Pastour, with great paines among his flocke, the space of thrie or four yeiris; for they could find nothing againes him, save only foranent the law of his God, and faithfull dueties done to Chryst and his Kirk. Among the rest, being Moderator in the Synod of Lothiane, keipit in Edinbruche in winter, he maid ane excellent sermone at the doun-laying of the Moderatioun; the coppie quhereof, (I wott not how,) cumming in sume guid Brotheris handis, wes put to the press beyond the seas, and so come in the handis of money, altogider without the knowlege of Mr Johne himself; and wes also sufficient as Danielis prayeres to bring him to the den of lyounes! He wes callit befor the Counsel, quhilk would faine, at his desyre, haiff remittit him to his Presbytrie, or Provinciall Synod, befor the quhilk the sermone wes maid;<sup>4</sup> but the Bisschopis insistit malitiouslie, and said, "That wes as much as to declyne his Majestie's Judicatorie, and so fall under the cryme of treassoun." So, the Bisschop of Saint Androis accuseing, and the Bisschop of Glasgow also, he must neidis answer: They gaif in to the Counsell the four Articles following, as a challange of him, in wrytt; quhilk wer cuttit out of the Buik with the Kingis awin hand:

<sup>1</sup> Adv. MSS. "cards."  
that time Bishop of Ross.

<sup>2</sup> *Ib.* "confuted."

<sup>4</sup> Adv. MSS. "taught."

<sup>3</sup> Mr David Lindsay was at



## [ARTICLES AGAINST MR JOHN MURRAY, MINISTER OF LEITH.]

"1. The auctour of the Sermone, page 28, speiking of abuseing of Christiane libertie, bringeth for an example, a law or injunctionne for the use of the Surpleis<sup>1</sup> in Devyne Service; of the ring in mariage, quhich is ane expres taxing of the Canons of the Kirk of England maid annent thais Ceremonies, and the Kingis Ratification thairroff.

"2. He sayis<sup>2</sup> that the creiping in of the Antichristiane yoke had for the first steppe, quhilk is little different from our new Moderatoris; and so condemnit the act of Lithgowe, ratifieit be his Majestie.

"3.<sup>3</sup> The Kingis Counsel and Nobillitie, and all [subjects,] haiffing sworne by the name of God to defend the Disciplin of the Kirk all the dayis of thair lyff, under the paines conteinit in the law, and danger boith of bodie and saulle, in the day of Godis feirfull judgement. And, page 52, he sayis that paritie in power and auctoritie is the ordinance of God. This is a laying of perjurie to his Majestie and Counsell, sieing his Majestie condemnes paritie, and preisses the abolitioun thairrof out of the Kirk.

"4. Page 48, he sayes, we in Scotland are baitting down Chryst, putting him in bandis, and covering his face, and [are] off purpose to burie him, with the Jewis. This stryakis upoun the Kingis auctoritie, that he sould suffer Chryst to be so intreattit in his kingdome."

## MR JOHNNES ANSWER FOLLOWIS.

"For answer, in all humilitie and reverence to your Lordshippis: The Articles quhairon I am challengit ar not the wordis of my sermone, but consequentis drawin out of thame, cumeing directlie againes the scope of the sermone it self, aymand<sup>4</sup> only, as it is evi-

<sup>1</sup> Surplice.<sup>2</sup> Page 33.<sup>3</sup> Page 44.<sup>4</sup> Aiming.

dent, at our selfis of the Ministerie at that present conveyit ; as also, againes the expres wordis thairroff ; the quhilk, at page 49, ar full of reverence and duetiefulnes towardis his Majestie.

“ Heirfore, I most humbly beseik your Lordschippis, sieing my challenge is not the expres affirmatioun of my wordis, bot the illatioun ;<sup>1</sup> that as thair is no expres matter or caus of accusatioun, but rather contrair, so thair may be no expres accusatioun ; and that my wordis be not over sair wrung, nor my meineing wrestit, but favourabillie constructit. Finallie, that your Lordschippis, according to your wontit loveabill custome, wald leive the judgment and censure of the sermone and poyntis thair of to my Ordinar, that is, either the Presbyterie or Provinciall, in quhois audience it wes deliverit.”

This petitioun all the Counsell, except the Bisschoppis, thought reassounabill ; and thairfor resolvit to wrytt to the Kingis Majestie thairannent. But the nixt newis wes that Mr Johne Murray was takin the 13 of Appryll be the Livetennent of the Guard, and without any further proces committit to the Castell of Edinbruche, quhair he remanit till ane wes put in his rowme at Leith by the Bisschoppis, and he transportit to New Abbay among the Papist Cheiffes.<sup>2</sup>

This same yeir, 1608, wes imprintit ane uthir buik over-sie, and cum abroad, intitulat “ Informationes and a Proclamatioun,<sup>3</sup> and a Treatise from Scotland, secundat with Doctor Remolis’ Lettre to Sir Francis Knollis, and Sir Francis Knollis his Speich in Parliament, all suggesting the usurpatioun of Papall Bisschoppis. ‘ Everie plant that my hevinlie Father hes not plantit sall my Father pluck out.’ ”<sup>4</sup> The Protestatioun wes that given in to the Parliament at Perth. The treatise fullie confirmit the Estabilischit Disciplin in Scotland, and cleirly discoverit and refutit the Episcopall usurpatione.

The year preceeding, 1607, the King, considering the twa Breivis

<sup>1</sup> Adv. MSS. “ consequents.”

<sup>2</sup> Univ. MS. “ theves.”

<sup>3</sup> Adv. MSS.

“ or protestationes.”

<sup>4</sup> Math. xv. 13 ; 1 Cor. ii. 12.

of Pope Paulus V., and the Lettre of Cardinall Bellarmine to the Archpreist, G. Blackwell, had hinderit the Papistis much from his obedience, thought meitt to publishe a buik againes thame; quhilk he did, beiring this title, "*Triplici Nodo Triplex Cuneus*, or Ane Appollogie for the Aith of Alledgeance againes the Tua Breivis of Pope Paulus Quintus, and the lait Lettre of Cardinall Bellarmine to G. Blackwell, the Archpreist, *Auctoritate Regia*." Againes this buik, within the halff a yeir, wes publiischit by the Papistis, ane answer in Latine, off this inscriptioun:—"Mathei Torti, Presbiteri et Theologi Parisiensis, Responsi ad librum inscriptum, *Triplici Nodo*, &c.; quo ostenditur Juramentum illud ab hostibus Fidei, Catholicæ excogitatum iniquissime a subditis Catholicis, sub gravissima bonorum omnium amissione, perpetuorumque carcerum poena postulari atque exigi. Editio altera, Colloniæ."

The argument of the haill buik is in the sext page: "Primum ostendimus juramentum Catholicis propositum, non solum civilem obedientiam, sed etiam Catholicæ Fidei abnegationem requirere. Hæc enim est principalis questio, quæ inter nos hoc tempore disputatur; deinde singulas partes appologiæ discutiamus."

In this book, Cardinallis Chappellane (for so the printer, in his Epistle, termes him Cardinalli Bellarmino a Sacellis<sup>1</sup>) is verie direct and dispyttfull againes the King, calling the auctor of the Appollogie, "Calumniatorem mendacem impudentem." He gives efter a lyk flatt lye. In page 92, he saith, "Necesse est auctorem Appollogiæ omnem omnino pudorem et conscientiam exuisse:" Page 97, "Jacobus Juliano in multis adæquatur," lairgely and dispyttfully: "Jacobus," saith he, "cum Catholicis non sit, neque Christianus est:" Page 98, "Jacobus primum Catholicis deinde etiam Puritanos opposuit:" Page 130, "Quæ tum ita sint desinat adversarius in Scripturis Sanctis earumque testimoniis ad eum primatim stabiendum abuti, quem non solum Catholica Ecclesia est detestata semper. Sed etiam Calvinus ipse cum scholæ Genevensi approbavit, nunquam abhoruit, et quam in ipsa Anglia ut a Regia cupiditate exortum, ipse etiam Puritani molestissime semper tulerint."

<sup>1</sup> Adv. MSS. "Postellis."

Thais thingis trouble the King at the heart ; but namely, the tuo passages following not only gallit the King, but movit much the Counsell and haillestaite. "Clemens the Eight, (sayis he,) duo Brevia anno 1600 tribus annis ante obitum Reginae ad Catholicos misit unum ad Clerum, alterum ad populum ; quibus Brevis non ut iste mentitur Jacobum tunc Scotiae Regem exclusit, sed consilium dedit quale dare docebat Summum Pontificem, viz. ut Catholici opera darent quantum a ipsis est ut Rex ad Religionem Catholicam bene affectus eligeretur, &c. Quibus verbis non solum Jacobus Scotiae Rex non excluderetur, sed includebatur potius, quoniam Ministri ejus maximam spem fecerunt eum non abhorre, a Fide Catholica suscipienda, praesertim cum Rex ipse ad Pontificem ipsum, necnon ad Cardinales Hildebrandum et Bellarminum literas scripsit, plenas humanitatis ; quibus, preter caetera, petebat ut aliquis e gente Scotorum Cardinali S. R. E. crearetur, ut haberent Romae, per quam facilius et tutius cum Pontifice sua negotia tractare, ut quare Pontifex, non perfidum, accusari, sed ipse sua spe frustratus vite mente potuit et alibi, ut vir Catholicus regno illo prope diem vacaturo properetur : Quo consilio nullum aliud a Pontifice Maximo (cui Catholicae Ecclesiae cura potissimum incumbit) magis Christianum magis pium et utile dari potuit quod sit hac generali admonitione Jacobus excluderetur, ipse erat in causa qui spem non obscure datam Pontificem fallere volebat certe ejus administri reprehendi debeant ; qui magis adhuc aperte Jacobum tunc Scotiae Regem, adepto Anglicano regno, Catholicum futurum promittebat."

Upon this, it was thought necessar, for cleiring the King of sua odious sclanderis, the Generall Assemblie sould hauld in Scotland, and the proceedingis thairin to be againes Papistis ; and a Supplication thairfoir to be maid for pacifieing off all controversies within the Kirk, and restoring againe of sic of the Ministeres as wer banisshit, imprissounit, and confynit.

In the moneth of September 1608, Sir James Elphinstoun, Lord Balmerinoch, Principall Secretar of Scotland, and President of the Colledge of Justice, the Kingis speciall agent againes the

Ministeris, did tak his journey to the Court, for his further employment; but cumming to the Court and the King, at Roystoun, was accusit for deilling with the Pope, and wrytting to him and the Cardinallis in maner conteinit in the foirnamit buik, and the passages thairoff; fynaly, for being the caus of so hynous a sclander, and all divilish attemptis of Papistis since syne againes the King and Estaitis, and the Papistis being sua desperatlie inrageit for finding thame selff disapoyntit of the great expectatioun they had that the King sould becum a Catholick. But, leiveing the rest of this to his awin confessioun, depositioun, and proces, quhilk is extant,<sup>1</sup> I remember only the effect—that the said Sir James, eftir he wes degradit and deposit from all honouris he had in Ingland, [namely, from the number and tabill of the most honourabill Privy Counsell of Ingland,<sup>2</sup>] quhair of he wes one, he wes sent backe prissouner to Scotland, thair to be adjudged and punischit according to his demeritis.

#### M.DC.IX.

And, in the moneth of March following, a day of law, or Justice Court, wes most solemnelie and frequentlie keipit at Saint Androis, to the quhilk he wes brought from Falkland; and thair, upon his awin confessioun, being convict and fyllit<sup>3</sup> of hie treassoun for surreptioun, and thivish steilling of the Kingis hand in a Lettre to the Pope. Upon his humble petitioun to the Judge and Counsell, his sentence and dome wes delayit till the Kingis will sould be knawin thairanent. So, on the last day of March he wes brought over the watter from Falkland to Edinbruche, and thair in the Tolbuith ressavit sentence to be execute to the death, and damnit as a tratour and malefactor; and immediatlie thaireftir he was caryit back again to Leith, and taken over the Ferry that same night, and put in his prissoune at Falkland, to expect the Kingis further will; and thus, in Godis rychteous judgment, wes he schamefully usit, and put to shame and

<sup>1</sup> See *Pitcairn's Criminal Trials*, II. 568-601, for a full account of this very remarkable and mysterious investigation. <sup>2</sup> Omitted in Adv. MSS. <sup>3</sup> Found guilty.

ignominie by thame quho imployit his pen to sua mony schamefull and spytfull proclamatiounes againes the Ministeres of Jesus Chryst, and his paines for imprissouneing and banisching the samyne.

All this quhyll, quhen men luikit for hott persewing of Papistis, and releiff of the banischit, imprissounit, and confynit Brither, Ministeres had warse; Papistis wer playit withall, and the purpose of advanceing Bischopis bussilie promoveit for ane frequent Conventioun of Ministeres and Nobillmen at Edinbruche in the moneth of November. The four Commissiouneris directit from the Generall Assemblie reportit his Majestie's answer to the Petitiounes of the said Assemblie againes the Papistis, absolutely quhatsoever wes cravit; yea, that he had sent in the Erle of Dumbar, armit with all auctoritie to put in executioun quatever wes cravit concerneing the Ministeris under his displeasure, conditionallie, if thai would confesse thair faultis and mak humble Supplicatioun. So gentill and clement wes the Kingis nature, that he wald be more readie to give thame libertie nor<sup>1</sup> they would be to sute the same.

In end, the Bisschop of Glasgow, invying<sup>2</sup> againes the Papistis and thais that said that the offer of the Conference wes but for the fashioun, and thairfor, in the mein tyme, thair wes a deilling againes Papistis to hald off: "Yit," sayis he, "it sall not be driftit; for the Earle of Dumbar and the Kingis Commissiouneris for the Kirk will instantly appoynt ane day to be keipit in Februar nixt, and advertisement maid thair of to all haiffand interest." Yit not only passit thair in that Conventioun thrie or four little thingis to the grating<sup>3</sup> of Bisschopis, and decrease and interest of Presbytries; as, that thai sould be examineris of Pedagogues that passit with nobilmenis and gentilmenis sones out of the countrie, and give testimoniallis of approbatioun: *Item*, that none sould obtaine entrie to thair landis, and be servit lawfull heretoris, without the Bisschopis lawfull certificat to the inqueist of the soundnes of his Religioun, etc. But also, in all this, they had a main drift bringing about to restore the Bisschopis *in integrum* to the Commissariat cottis<sup>4</sup> off Testa-

<sup>1</sup> Than.<sup>2</sup> Inveighing.<sup>3</sup> Adv. MSS. "greatening."<sup>4</sup> Quots.  
3 C

mentis, and all utheris Judicatoris and casualities that ever the Popishe Bisschopis were in possession off; the quhilk great fisch, to the intent they mycht the more easilier and firmlie fang<sup>1</sup> at the nixt Parliament, without oppositioun of the Ministerie, conveyint with the Lordis of Sessioun, and haill laweris and Commissaris, the great bussines againes Papistis were cassin in, and the fair expectatioun of the Conference quhilk, in the moneth of May, wes dressit and convoyit, in maner and matter as heir followis :

ANE JUST COPPIE OF THE CONFERENCE AT FALKLAND,  
4 MAY 1609.

"The Earlis of Dumbar and Wigtoune, the Lordis Scoone, and Fentone-Barnes, Collector, Commissiouneris to his Majestie; Maisteris George Glaidstaines, Johnne Spottiswood, Alexander Lyndsay, Alexander Forbes, Patrick Scharp, Robert Howie, Johnne Nicolsoun, Henrie Philpe, and George Hay, for the Bisschopis; Maisteris Patrick Galloway, Johnne Hall, Williame Scot, Archibald Oswald, Johnne Knox, Johnne Carmichael, Adam Ballentyne, Johnne Wemis, and Williame Couper, (Mr Patrik Simpsonsoun being absent,) mett in that chalmer quhilk wes his Majestie's, for dischairgeing ane Commissioun directit from the last Generall Assemblie haulden at Lithgow the 29 of July 1608. In the quhilk meitting the saidis Commissiouneres proceidit as followis :

*Sessione prima.*

"Efter prayer, ane short speich utirit be Mr James Law, Moderator, the Commissioun of the Generall Assemblie wes red, quhair-off the tennour followis :

"At Lithgow, the 29 of July 1608, *post meridiem*. As for the second caus of eylistis,<sup>2</sup> quhilk wes said to aryse upoun the diversitie of oppiniounes, and the diversitie of oppiniounes resultis upon

<sup>1</sup> Seize upon.

<sup>2</sup> Grievances; literally eyesores.

diverse differences of judgment amongis the Brither, concerneing the externall Governement and Discipline of the Kirk, quhilk can not so schortlie be discussit and advysit upoun as the brevitie of this Assemblie permittis: Thairfor, it wes the opinioun of the Brither appoyntit for the advyseing of the best Overtouris to be had annent the distractioun and eyelistis that ar enterit in the heartis of the Ministerie, that the same sould be delayit to a tyme moir convenient; and, in the meintyme, certaine appoyntit to reassoun, treat, and advyse upon the same: Quhilk, lykwayis, the Assemblie following hes thought expedient; and, thairfor, they haiff electit and chosine the Brither following, viz., The Bisschoppis of Saint Androis, Glasgow, Dunkell, Orkney, Caithnes; Maisteris Patrick Scharpe, Robert Howie, Johne Nicolsoun, Henrie Philip, Archibald Oswald, Johne Carmichaell, Johne Knox, George Hay, Patrick Galloway, John Hall, Patrick Simpsoun, Williame Scott, Adam Ballantyne, John Weemis, and William Couper, thair Commis-siouneris in that pairt, to conveyin with his Majestie, and sic of his Majestie's Counsell as his Hines sall appoynt, at sic place and tyme as they salbe required be his Majestie; and to treat, reassoun, and consult upon all matteris standing presentlie in controversie among the Britherin, annent the Discipline off the Kirk; and quhatsoevir thai agrie upoun to report to the nixt Generall Assemblie; and in the mein tyme, quhill the nixt Generall Assemblie, the advyse of the Brither conveyit at Falkland, the 5 of July<sup>1</sup> last bypast, be observit annent the Constant Moderatoris. *Nota*, That upon the margine this [was] nameit a Commissioun annent reformatioun of Disciplin.

"Thair wes red also his Majestie's Missive Lettre, and a Lettre of excuse from Mr Patrick Simpsoun, and thairefter thair wes a motioun maid by his Majestie's Commissiouneris, and propounit by the Moderator, that fyve off everie syd sould be put apairt to sett doun ane ordour of proceidour. Efter sume reassouning upon the same propositioun, and sume objectioun againes the same, it wes

<sup>1</sup> Adv. MSS. "16 of June."



admittit and followit : And for the Bisschopis syd wes nameit Saint Androis, Glasgow, Maisteris Patrick Scharpe, Robert Howie, and Henrie Philpe; for the Ministeris, Maisteris Patrick Galloway, Johne Hall, Williame Cowper, Johne Carmichael, and Williame Scott. The Erle of Dumbar, the Lord of Fentoune-Barnis, Collector, and Mr James Law, Moderator. The ten quhilk wer nominat and chosine removit, and went into his Majestie's Chalmer, quhair the Commissioun wes red again : Quhilk being considerit, wes thought verie generall to sume; and for limitatioun thairoff, the particularis efter following wer propounit be the Ministers :—

“First, That the Brither among quhom they controversies alledgit, wordis sould be nameit particularlie, or at leist sume way designit, quhairby the ane pairtie may be knawin by the uthir : 2dly, It wes requirit that the alledgit controversies sould be denominat and condescendit upoun, for cleiring off the first poynt. Thais for the pairt of the Ministerie declairit, that they wer ane in judgment with the godly Fatheris, Reformeris of the Kirk of Scotland, and sic as had from tyme to tyme, in the Generall Assembly, appoyntit the Assemblie and obteneit the reformatioun<sup>1</sup> thairof; as also, that they esteimit the Disciplin appoyntit be the Kirk, and ratifeit be the lawis of the realme, to be most godly and meit for the ruleing<sup>2</sup> of Christis Kirk within the realme. Thais of the uthir oppinioun com to na particular nominatioun or designatioun, quhairby the differences from sic as had establisht the Disciplin mycht be perceivit.

“For better understanding of the second, the Ministeres desyrit that distinctioun mycht be maid betuixt matteris standing in controversie among the Britherin, and matteris *extra contraversiam* within the Kirk; in the quhilk causses they voite to be all matteris concludit in lawfull Generall Assemblies. *Item*, That cleir difference mycht be maid betuixt privat Britheris oppiniounes and conceitis, (put the cais thair number wer great,) and matteris in contraversie in the Kirk, but that quhilk hes bein ressavit as ane dout befor in sume Generall Assemblies, and defendis as undefynit, for

<sup>1</sup> Adv. MSS. “ratificatione.”

<sup>2</sup> Univ. MS. “grounding.”

thair is ane order concerneing the cause, quhither the Brither doutis and craivis reformatioun, viz., that such matteris sould be propounit to the Generall Assemblie *ordine decenter animo edificandi, non tentandi gratia*, in respect of the Generall Assembly; quhilk order is no wayis convenient that the saidis Ministeris sould participat in a Conference with thair Britheris oppiniounes, different from the judgment of the Kirk; and syne report the samyne to a Generall Assemblie.

"Lastlie, Sיעing the Generall Assemblie at Lithgow hes directit Commissioun annent matteris standing presentlie in controversie befor that same, it wes demandit be the saidis Ministeris, Quhat particular matteris either stuid in controversie, or wes callit and ressavit in and to the controversie, be the same? The intention of this thair deilling wes to schaw, that this thair Commissioun, above writtin, buir no warrand to the saidis Commissiouneris ather to mak particular controversies or questiounes quhilk had not bein heard in Generall Assemblies or before, or yit to call in controversie the actis, conclusiounes, allowit practises, or estabilischit order in the Kirk. This forme of deiling wes callit be the uthir sort, 'tergiversatione of pollicie,' 'quarrelling the Generall Assembly,' 'for frustration of thair guid intention,' etc.

"Meikle tyme and talk wes spendit heirabout, and sume schoaring and boasting,<sup>1</sup> but no cleir satisfactioun returnit to the demandis and propositiounes above specifieit; and sumquhat abruptlie it wes said, 'That thai mett either on sumething or nothing; and sumething confaissitlie wes castin in, that sume of the Brither had ressavit the Constant Moderatione, and uthiris not; soe that thair wes a contraversie of the Kirk,' said they, 'quhither the Moderatione should be constant or circular,' as they termeit it. *Item*, sume of the Brither tham selves thinkis that the Cautiounes sould be keipit, and uthiris of thame thinkis that sume of tham sould be abolischit. It wes a questione than, forsuith, Quhither the Cautiounes sould be keipit or not?

<sup>1</sup> Menacing and threatening.

“It wes answerit to the first, That the foirsaid Assemblie at Lithgow, quhairfrom this Commissioun wes directit, had expressely provydit that the advyse given in at the Conference at Falkland sould be observit to the nixt Generall Assemblie ; and true it is, that in that Conference at Falkland, the meitting at Lithgow, quhairin the intendit innovatioun of the Moderator wes begun, wes stayit ; and that matter to be further intreitit in the ensewing Assemblie at Lithgow ; quhilk Assemblie, quhen it conveynit, acquiescit to the advyse givin in at Falkland ; so that thair is no warrand given at all in this Commissioun to call the accustomeit and establischt order of Moderatioun in doubt. Unto the second it wes answered, That the Cautiounes, efter long reassouneing and advyseing had in the Presbytrie, Provinciall and Generall Assemblies, thai wer solemnelie concludit in tuo Assemblies, one at Dundie and another at Montrose, his Majestie being present at the one and at the uthir, and as yit standis in full force unrepelled, and can no more be callit in questioun be vertue of this present Commissioun then the actis anent vote in parliament, or ony uther act of the Generall Assemblie.

“It wes thought meit, be the most pairt, that thais matteres of the Moderatioun and Cautiounes sould be put in questioun ; and so they pairtit, and presently re-enterit into the place of Conference ; and all being present, the Moderator cunneinglie demandit, Quhither iff the said matter sould pas in questioun, or not ? It wes answerit be the most pairt, *affirmative*, they sould ; and so the questiounes wes conceivit as followis. 1. Quhither, in Synodis or Presbyteries, the Moderatioun sould be constant, or not ? 2dly, Quhither the Cautiounes sett downe in the Assembly haulden at Dundie and Montrose for restraineing the power of Bisschopis sould be observit and sworne, or not ? Thaireftir, the Moderator desyrit that ane on aither syd sould be nameit to reassoun thais tuo questiounes ; but, being lait, no nominatioun wes maid, but thankisgiving, and so that sessioun endit.

“Eftir the dissolveing of that sessioun, the Ministeris mett among thame selffis, and haifeing conferrit a little annent the dissadvantage and danger, by suffering thame selves to be separat in that

former sessioun; and all wes desyrit that nycht to think upoun the fittest remedie, and tymeouslie to meit in the morneing; the quhilk they did in that their meitting: They concludit, first, that Mr Patrick Galloway sould be speichman, and sume utheres to assist him, as neid requirit: *2dly*, That they sould suffer thame selffis no wayis to be devydit, but quhatsoever sould be propounit, (althought of les importance,) they sould tak it to be advysed be the haill, befor that any answer sould be returnit: *3dly*, In respect of the Conference, and of the qualitie of the matteris callit in doubt, that they would nowayis disput but by wrytt.

*5 May, Sess. 2da, ante meridiem, hora nona.*

“ The Commissiouneris foirsaid conveyit in the morneing, at the place befor nameit; and, efter prayer, the Moderator propounit that ane on aither syde sould be nameit and appoyntit to reassoun the first questioun. Mr Patrick Galloway, being desyrit to speik, answerit, that it wes most convenient to reassoun the matter be wrytt: First, For eschewing of jealousie, idle, and hait<sup>1</sup> speiches, superfluous digressiounes, and impertinent discourses, quhairby Brither mycht be irritat, and tyme unprofitably spent: *2dly*, For avoyding different reportis to be maid be the Brither of different judgmentis efter the Conference endit: And, thairfoir, he desirit the uthir pairtie, that they would schortlie and cleirly sett downe thair oppinioun in Articles, tuiching that matter, and Reassounes quhairby they would confirme the same; promiseing that the said Oppiniounes and Reassounes sould be plainelie and brotherlie answerit, so succinctlie as wes possibill to be concivit and expressit be thame in wrytt. Maney thingis wer objectit againes that answer and offer; but all the objectiounes wer answerit. And so, the Ministeres, standing constantlie to thair resolutione, the uthir partie desirit that they mycht advyse among thamselff annent the premisses: Unto the quhilk desyre the Ministeres aggreit, and removit thame selffis; and the uthir partie, with his Majestie's Commis-siouner, sat still.

<sup>1</sup> Hot, intemperate.

“ Efter thair re-entrie, the Moderator objectit four Reassounes againes writting. 1. The custome of the Kirk of Scotland : 2. The custome of the Conference in uther contries, and sume Colloquies were namit : 3. His Majestie’s prohibitioun of wrytt : 4. Sundrie inconvenientis that mycht follow thairupoun, as namelie, that the coppies wald passe abroad, and come in the handis of enimies, quhairby it could not faill, but sclander and skaith would come to the caus of Religioun.

“ To the first it was answered, That quhilk the Kirk of Scotland had adoe with the Counsell thairoff, annent the treating and concluding of the Heidis of the Discipline, they gave and receaved in write, the one from the other : To the second, That the Colloquies nameit be thame had verie evill eventis, and utheris that treatit be thame in wrytt, and speciallie be the Ministeris, had better success and maid better for the advantage of Religioun. As for the custome of uther contries generally alledgit, wryttis were more usuall nor wordis ; quhilk may be sein by Ambassadors deillingis, lairnit menis epistles, and printit Colloquies and Treaties of all ages : To the thrid, It is evident, by his Majestie’s Lettre, that his Majestie’s intentioun is to settle all matteris peiceabillly, and besyd the same thair is nothing produced. Thairfoir, wrytting quhairby janglingis of wordis, heat speiches, and tedious digressiounes salbe avoydit, is the most fitt and saiff way to come to his Majestie’s purpose : To the fourth, In caise of agriement, interchanging paperis, may be brunt and ravein,<sup>1</sup> and the conclusiounes agrieit upon only put in wrytt, to remaine. Iff thai can nowayis agrie, quhatsoever sall pass in writeing may be, with consent of all, destroyit.

“ And after these reassouneingis, the Ministeris concludit that reassoun be wordis, without a Judge, could not readielie be had<sup>2</sup> without tumult in the mein tyme of treatie, and difference and contradictorious reportis efter breaking upe of the meittingis ; quhairby the present distractiounes would be augmentit, the cause of Religioun further prejudgit, Papistis and all sortis of enimies, wisching,

<sup>1</sup> Burnt and torn in pieces.

<sup>2</sup> Adv. MSS. “ cannot possiblie be heard.”

wirking, and watching for divisiounes among the Ministeres, so far as they may.

"The matter being thus stood to be the Ministeres thair, sume speiches of terrour wer given out; and thairefter the Moderator propounit that a short historie mycht be sett down, with all consentis, of that meitting, and the proceeding thairin to sume sic effect as followis: That the Commissiouneres mett, thair Commissioun wes red, tua questiounes wer agrieit upon: They for the pairt of the Bischopis offerit to dispuitt thairon, and the Ministeris refusit: The Ministeris desirit the last poynt to be mendit, eftir this maner; that they for the pairt off the Bischopis offerit to reassoun be word, but refusit be wrytt; and the Ministeris wer readie to reassoun be wrytt, but quhen they sould come befor ane Generall Assemblie, the Judge Ordinar to sic matteres, thai sould be readie to reasone be word or wrytt, as it sould pleas the Assemblie to injoyne; but heir thai could not reassoun by word, for the reassounes afor sett down. This wes refusit, and so no historie sett down and aggrieit upoun; and the Moderator desyrit that his Majestie's Lettre, and the Commissioun laid asyd, either of the pairties wald advyse for sume Overtouris for the peace of the Kirk; and for reporting thair of, the eftirnoone wes appoyntit for all to meit again. Thus, efter thankis-giving, the Commissiouneris rais.

"Immediatlie efter dinner, the Commissiouneris conveyit by thame selfis, and efter consultatioun, agrieit upoun four Articles as followis:

"That a declaratioun sould pas from this Conference to be publishit in the Kirk of Scotland, proporting that the Kirk within this realme is weill constitut in Doctrin and Disciplin,<sup>1</sup> praissit be God; and that the discordis and differences among the Ministerie annent the one and the uther, agreed and given out be Papistis, prophane Atheistis, and uther enimies, ar but scandalous and sclanderous calunnies, tending to seditioun, and to deceive the people:<sup>2</sup> 2. That

<sup>1</sup> Adv. MSS. "government."

<sup>2</sup> *Ib.* "simple."

the handling<sup>1</sup> of the discordis and differences among the Ministeres be laid asyd and spairit, and that the saidis differences coverit under the skirtis of brothirelie patience and Christiane wisdom, quhill<sup>2</sup> first Papistis and Papistrie be proceidit againes, and put to ane poynt: 3. That sieing the matter of Bischopis and Hierarchie can not be handlit at this tyme but with advantage to Papistis and Papistrie, and disadvantage to the estabilischit ordour of the Kirke, quhilk haith bein a speciall meine, quhairby thai and thair kingdome hes bein dissipat and ovirturnit, that purpose was to be superceidit, quhill the land be purgit of thame and thair leaven: 4. That ane earnest Supplicatioun sould pas from this Conferrence to his Majestie, for grace and favour to the Ministeris that haith bein so longe banischit and keipeit in prissoune, and confynit; namelie, that they mycht be relaxit, sett at libertie, and returne to thair awin places.

*Eodem die, horâ tertiâ, post meridiem. Sess. 3tia.*

“The hail Commissiouneris mett togider in the place above specificit; and, efter prayer, the Moderator requirit that the Ministeris sould present thair advyse, as wes appoyntit befor noone. And Mr Patrick Galloway presentit the Articles above writtin, quhilk wer readie; and efter the reading thair of, sume pressit to speik, but *authoritative* wer hinderit be the Moderator; and sume utheris with vehemencie wes keipit at under, and silence commandit. Thairfor, the advyce of the uther pairtie wes red, and all demandit quhat they thought off it? Litle was said for it, and nothing againes it. The Moderator desyrit the Ministeres to tak up the Articles; the quhilk being done, the conclusioun following wes agrieit upoun:

*At Falkland, the fyft of May 1609.*

“The Brither conveyit, haiffing givin thankis, and red the Commissioun of the Generall Assemblie, and considering the generality

<sup>1</sup> Adv. MSS. “alleading.”

<sup>2</sup> Until.

thairoff, and how it is neidfull, for ending of all controversies standing in Disciplin among the Ministeris, that the particular poyntis in questioun be condescendit upoun, haiff, for the present, aggriedit upon tuo, viz., Quhither in Synodis or Presbytries the Moderator sould be Constant, or not? And, quhither the Cautiounes sett doun in the Assemblie haldin at Dundie and Montrois for restraining the power of Bischopis sould be observit, and sworne unto, or not? Quhilk tuo questiounes being propounit; becaus neither the brevitie of that time permittis, nor is it, for diverse caussis, thought expedient to enter in reassouning thairof at the present, the Brither continowis all treating of the same to the first Tuesday of August nixtocum, appoyntit for thair meitting to that effect, in Stirling: Willing and commanding everie ane of the saidis Brither to advyse and consider gravelie of the saidis Questiounes, and all poyntis thairof; and to be readie at the said meiting to propoun thair myndis, ather by word or wrytt, as they sould think meittest; and further, to sett doun in wrytt all the differences quhilk they doe conceive in matteris of Disciplin, that sune solid course may be takin, with commoun consent, for removing of the same.

"In the meintyme, it is thought expedient, be the consent of the haill number, that the Generall Assemblie be prorogat to the first Tuysday of May nixtocum, to be hauldin in Saint Androis, iff so it sall pleas his Majestie; that thir effairis be brought to sune poynt, report may be maid, according as it is ordaineit in the said Commissioun. And becaus his Majestie's maist zealous cair for the guid and peace of the Kirk, and for suppressing of Papistis and all contrary Religiounes, doith sua many wayis appeir, that we haiff all exceiding great mater of thankis to be givin to the Almychtie God for the great blissing bestowit upoun the Kirk, in his Majestie's persoun: It is thought meit that a Lettre of humble thankis be wryttin from this Conference to his Majestie; and that in all the Congregatiounes of this his kingdome declaratioun be maid to everie Minister of his Majestie's guid affectioun and resolvit mynd to settle the Kirk in peace and truth, and to freith<sup>1</sup> the same from

<sup>1</sup> Free, deliver.



all uthir her enimies, and thair pernitioun practises; and that public thankis be givin to God for his present mercie, and prayeris conceavit for the happie progresse of his Majestie's purpose. As also, the Brither, knowing the great danger that the Kirk standis in, throw the enimies of Religioun, hes thought meitt to recommend it to all the Ministeris and Presbytries within the realme a cairfull proceeding againes Papistis, and such as remaine suspect in Religioun; and that they be diligent to lairne from the strangeris that resortis from any forraigne pairtis, and to make intellegence to his Majestie's Commissiouner, the Erle of Dumbar, or sic utheris of his Majestie's Counsel as thai ar best acquaintit with, that they know the zeal of Godis truth, and [are] faithfull to his Majestie: And, above all thingis, that they and everie ane of thame intertein peice, freindschippe, and brotherlie love with utheris;<sup>1</sup> laying asyd all jealous affectiounes, and uthir prejudices; and that thai communicat thair counsel and helpe to the advanceing of Religioun, and establishing a guid and solid agriement in the Kirk; quhilk the Brither present for thaimselfis hes solemnelie promissit: And lykwayis, to labour with utheris to doe the same, so far as thai can, that God may haif glorie, and his maist excellent Majestie contentment and satisfacioun in all thingis. This conclusioun and his Majestie's Lettre being wryttin and subscrivit, the Moderator gave thankis to God, in the place quhair we wer mett; and Mr Williame Couper, being requeistit be his Majestie's Commissiouner and sume of the Brither, went to the Kirk of Falkland, and all that wer with him, thair maid ane exhortatioun and thanksgiving upon the last<sup>2</sup> verse of the 74 Psalme; and thairefter the 133 Psalme wes sung; and thus all wer dimissit."

By this Conference, thus dressit and givin furthe, the Bisschopis gained this muche, that no oppositioun wes maid againes thame at the Parliament houldin at Edinburgh in the moneth of July thairefter; quhair also they had, for the purpose, two English Doctouris,

<sup>1</sup> Each other.

<sup>2</sup> Adv. MSS. "Sd."

that teichit all the tyme thair of, Doctour Goodwyne and Doctour Milburne, quho dyit soone thairefter. At that Parliament thai rayd<sup>1</sup> royallie and Prelat-lyk. Thair they had the Judicatur, Commissariot Coittis<sup>2</sup> of Testamentis, and all casualities of the Bisschopperikis of auld restorit again to tham *in integrum* and confirmit; and, finallie, thai became honorabill and rych Prelatis, quhair befor they wer but Bisschopis of Baine!<sup>3</sup> All this accquirit unto thame, upoun the Kingis great chairgis for the erecting of thais Bisschoprickis and Bischoppis of new againe, wes estimat by the wysest, quho wer actoris in it, to cost the King above thirty thousand pounds sterling.

At that Parliament also a statute wes maid, quhat forme of habit all sic as buir any office within burghtis sould haiff; [that each should have] thair awin particular habitis; and, in lyk maner, all Officeris of the land, as also the Ministeris of the Church, such as the King, with advyse of certain Commisouneris, sould appoynt and sett doune, under the pain of horneing. *Item*, that all oppin speikeris againes his Majestie or Parliamentis proceedingis, or againes Englishemenis, or spreideris of cokalandis<sup>4</sup> sould be punished by banischment or utherwayis at the Kingis will. *Item*, ane act for dissolving the customis from the Crown for ten thousand pounds be yeir, to be peyit to the Lordis of Sessioun in recompence of the Coittis<sup>5</sup> of Testamentis takin from thame and givin to the Bisschopis. *Item*, dissolvit from the Kirk, and erectit<sup>6</sup> to the Lord Burlie, for his bussie deilling for the Bisschopis, the Abbacie of Kilwynning. *Item*, ane act for estabilisching of the Justice of the Peice in all schyris, [efter the forme of England; and the King to haiff the nominatioune thair off yeirlie.<sup>7</sup>]

<sup>1</sup> Rode.    <sup>2</sup> Quots.    <sup>3</sup> This alludes to the custom then observed, (and still kept up in sport, in many places of England,) at Twelfth-night, where a King, Queen, Bishop, &c., were chosen for regulating the festivities, in each dwelling. The chief personage was called the King of Bean or Bane; and our Author jocularly classes the heretofore unbeneficed Bishops of Scotland with the mock Prelates of the Twelfth-night King's Court.

<sup>4</sup> Pasquils, lampoons, or libellous satires. *Fr. Coq à l'ane.*    <sup>5</sup> Quots.    <sup>6</sup> Adv. MSS. "given."    <sup>7</sup> Omitted in Adv. MSS.

At that tyme ane of the Brither of the Conference wrot to a Brother in exile, desyreing his censuris of thair proceedingis ; unto whom he wrett again, as followis :—

[LETTER FROM MR JAMES MELVILL, ONE OF THE MINISTERS IN EXILE, AS TO THE PROCEEDINGS OF THE CONFERENCE AT FALKLAND.<sup>1</sup>]

“I haiff ressavit your schort, but verie significative, Lettre of your sound and ardent affectioun, boith towardis the caus and us quho sufferis for it. You would be censurit and spurrit ; but quhat I sould censure I sie not weill, and to spurr ane runneing horse wer verie evill discretioun ! And yit, it is true that thair is great neid of boith to us all : But quhat sall we doe?—sieing God, in his rychteous judgment for our former negligence, contempt, and ingratitude, hes pluckit away from us all hart and hand, affectioun, reassoun, and zeall, knowledge, spirit, courage, and actioun ; so that auctoritie, money, craft, and bussines of this world, caries all sinceritie, truth, wisdom, and friedome away ; or rather overquhelms, oppressis, and beiris down the force and strenth thair of to the ground : Greater craft, subtiltie, policie, and catasophistrie wes nevir usit by the Egyptiannis againes Godis people ! I saw the craft of thais trewis<sup>2</sup> takin befor the last Generall Assemblie, in all thair proceedingis, thais almost ane dussen of yeiris bypast ; and maid such advertisement and wairneing as I could, boith publictlie and privatlie, to Generall Assemblies and to particularis ; but as [*tales*] *casus Cassandra canebat, haud unquam creditura Teucris*,<sup>3</sup> I saw the policie of the Conference befor the Parliament, only to mak the Brither secure and remiss, that they mycht without impediment won sum further ground, and further poynt and starkineing<sup>4</sup> of thair estait.

“I can not yit be throughlie informit quhat wes don at the Par-

<sup>1</sup> This Letter was written by our Author, as appears from *Cald. Hist.* folio edit. p. 613.      <sup>2</sup> Adv. MSS. “truces.”      <sup>3</sup> This quotation is taken from *Virg. Æneid*, iii. 257, and ii. 247.

<sup>4</sup> Strengthening, establishing, consolidating.

liament; but it is said and givin out heir, that quhatevir the King would haif bein at is heir effectuat to him, and bettir service done. Would to God that thair had bein at leist but sume such advertisement and protestatioun givin in and sent abroad, as wes givin in at the Parliament of Perth! And iff thai would neidis bring in questioun the Cautiounes, I wische that all done in thais Assemblies; and so the voitting in Parliament, that foundatioun of that rebuildit Babyloun, to haiff bein shakin, and brought in doubt also, and controversie; but wischeris and walderis<sup>1</sup> are but evile housse-haderis! And so, I feir that the hous of God, quhairoff the Stewardries<sup>2</sup> concreditit<sup>3</sup> to us be brokin upe, and a long tyme of vacatioun or<sup>4</sup> it be gatherit and takin up againe; and dureing that idle<sup>5</sup> time<sup>6</sup> (as in the Collegis) mair godlines and guid lairneing forget in ane oulk,<sup>7</sup> nor wes taught and lairnit in a moneth befor! Giff ye say, 'Men and brether, quhat sall we doe?' Would to God we had the spirit of compunctioun first to move us, in a earnest, zealous maner, to aske tham! I think that sum thing mycht yit be answerit; as, First, to cry and complein to Chryst, filling heavin and earth with lamentatiounes for the captivitie and desolatioun of Sion, and for hir saik not to keipe silence untill the Lord have pitie on her.<sup>8</sup> 2. To publishe to all Christianis our greivances and complaintis, how our Kirk is opprest by auctoritie of men, corruptit with money, circumveinit with craft and pollicie, and hauldin in thraldome againes Godis Word; quhat former constitutiounes and long customes; and againes thais actis, lawis, statutis, and priveledgis, that the King, Estattis in Parliament, and haill bodie of this realme, hes grauntit and givin unto hir. 3. I wauld haiff thais Balaams, with honnour and welth of this world, blinder then asses, that for the waigis of unrychteousnes hes pervertit the wayis and prophetis<sup>9</sup> of the Lord; thais Judases, sonnes of perdition, quho for money hes betrayit Chryst and his kingdome; thais Esawis, most prophain, quho hes sold thair birth-

<sup>1</sup> Adv. MSS. "and nedderis."<sup>2</sup> Stewardships.<sup>3</sup> Entrusted.<sup>4</sup> Before, ere.  
at Collegis.<sup>5</sup> Adv. MSS. "jollie."<sup>7</sup> Forgot in a week.<sup>6</sup> In playful allusion to the holidays<sup>8</sup> Adv. MSS. "mercy on earth."<sup>9</sup> *Id.* "proffers."

rycht, in Chrystis inheritance, for<sup>1</sup> a meis of pottage, that some tyme did mightily reigne in our Kirk. And, finallie, thais Shimeas,<sup>2</sup> imprissouneris and tormenteris of thair Britherin, efter dew admonitioun to be paintit out in thair awin cullouris and proceidingis. And last, allace! iff that spirit of actioun, zeal, and courage that sumetyme did mychtieli rigne<sup>3</sup> in this Kirk wes buildit up againe, that mycht mak a few from everie Presbytrie to conveyn togidder in the name of Chryst, censure sickerlie<sup>4</sup> thais corrupteris of the Kirk to the uttermost.

"But quhat talk I of thais matteris? sieing your last Conference hes preoccupyt all sic dealling, and cut schort the occasiounes and meines thair of, by approving the Kingis proceidingis, with thankis-giving to God thairfor, and promiseing peace, with brotherlie love, contentment, and concord! So, all thais are but wishes and wordis, venting,<sup>5</sup> lyk new wyne, from the inward wirking of a passionat heart. *Res non est integra*; the caus is prejudgit,<sup>6</sup> a free Assemblie cannot doe, and a competent number of men will never be gottin. Be getting this, thais and many uther thingis may eisily be answerit, and all houe is lost and gone till the avenger of the caus aryse and mak his Ministeris, and sanctifie and steir up to him waponis of wraith, and men of mycht, at this tyme. It is time! O Lord, aryse, it is tyme! for thai haif maid thy Word and law irritate<sup>7</sup> and of none effect! The earth is defylit with hir inhabitantis, becaus thai transgresse thy lawis, thai alter and change the decree, they mak of no avail the perpetuall covenant! We wer wont to heir Psalmes throw the endis of the earth, becaus the just wes cumely and held in honour; but now, I say, My bellie, my bellie, my leinnes, my leinnes! Leane am I, for woe is me for the perfidious mensworne does lyk mensworne;<sup>8</sup> and with most filthie perfidie thai doe most perfidiouslie, thais fals forsworne men;<sup>9</sup> they led Jacob in captivitie, and Judah in servitude. The heavenly scepter of thy kingdome, (the

<sup>1</sup> Adv. MSS. read "bot," i. e. without.

<sup>2</sup> *Ib.* "Semajohes."

<sup>3</sup> Reign.

<sup>4</sup> Sincerely, heartily, severely.

<sup>5</sup> Fermenting, working over.

<sup>6</sup> Adv. MSS.

"betrayed."

<sup>7</sup> Lat. *irritus*, void, invalid.

<sup>8</sup> Adv. MSS. "measar, (measure),

does lyke measor."

<sup>9</sup> Isa. xxiv. 16.

frie preicheing of thy Word,) thai haiff wrestit out of the hand of Chryst, thy annoyntit King, and subjectit it to the will and pleasure of man; the hedge and wall of thy wyne-yard, thy holy disciplin, thai haiff undermyndit, cuttit, brokin down, and dimolishit: We sie no signis of remeid, neither is thair any prophet among us to tell how longe! And yit, my deir bairnis,<sup>1</sup> and maist faithfull suffereris and laboureris in the middis of this caus of Chryst, let us not be discouragit, but heir the comfortabill voyce of our Chryst and King: 'Let not your heartis be trublit; ye belive in God, be-live also in me. In my Fatheris hous ar many dwellingis. I goe to prepair a place for yow.' 'Iff ye suffer with him, ye sall rigne with him.' 'This is a faithfull saying,' etc. Let us be at leist lyk Jeremy, carriit to Egypt againes his will. Ezekeill, Daniel, Michaell, Assyria<sup>2</sup> to Babiloun. Let us ever haiff thair exampill be-foir our eyis, and preas to imitat and practeis thair patience, pietie, wisdome, and courage, and uther vertuis; standing uprychtlie and constantlie for the glorie of our God, and confort of his captivit Kirk, till the tyme it pleas him to steir up a wise Zerubbabell, Josua, and Ezra, for bringing againe the captivitie thair of, and purging and repairing the Temple and Sanctuarie; and a Nehemias for restoiring of the citie, and building up againe and repairing the decayit wallis of his Jerusalem; the houe quhairof is meikle incressit and steirit upe amongis all the true, lairnit, and godly in Europ, by a voyce sounding mychtilie, as it were from the deid, againes that sacrielegious and accursit Hierarchie, I mein Mr Brychtmannis Commentaries on the Apocalepse, quhilk hes moir cleirnes, force of demonstratioun for the truthe, and in solid and lairnit storie, than all the hellishe<sup>3</sup> Jesuitis and warldling formalistis againes the same; the reiding quhairof and recommending to yow I rest, requiring a greater inventioun of spirit in mutuall prayer."

The Bischopis now being fortifieit with honour and riches, and

<sup>1</sup> Adv. MSS. "Brotherin."

<sup>2</sup> In allusion to Shadrach, Meshach, and Abed-nego, whose names were Hananiah, Mishaël and Azariah.

<sup>3</sup> Adv. MSS. "foolish."

perciving that thair wes no honour nor profite for thair purpose of preferment in governeing above thair Brither, in solid and absolut reuling of the Kirk, to be purchasit be Conference, thai desertit and slippit<sup>1</sup> the dyet appoyntit to be kept at Stirling in August ; and making thairwithall ane proclamatioun to pas furth, dischargeing the appoyntit Generall Assembly, and all ordinar keipeing thairroff, for this reassoun ; becaus, forsuith, the Fatheris of the Kirk, the reverentis Prelatis and Bischopis, and the inferiour Ministeris, could not sorte and agrie weill together, so that thair meittingis sould serve for none effect, but contentious, skandellous to the godlie, and delytfull to the Papistis and utheris enemies.

The tuo Archbisshoppis, that ane with some certain of the rest with him ; in lyk maner the uthir went up to Court, quhair they postit away for performance of thair purpose ; to wit, 1. To mak thame awfull and redoubtit of all, thai maid the Hight Commissioun Court, maist tirannically useit be the Bischopis in England, to be proclaimeit and sett upe in Scotland, quhairby the two Archbisshoppis, with any four, mycht judge and punische many at thair pleasoure, as be the tennour thairrof, heirefter insert in the storie, sall appeir. Nixt, That they mycht haiff sume pretext and schaw of the Kirkis approbatioun, thai sould by such meines as they thought meittest, and mak and prepar for that purpose seven or eight scoir of the bassest of the Ministerie, calling out of everie Presbytrie the weakest thairroff ; quho, by the Kingis speciall Missive Lettres sent to the Presbyteries, that thais only sould be directit in commissioun, and to thame selffis, that thai sould not fail to keip a certain day and place, as thai wer assurit, boith of thankis and reward ; and so a Generall Assemblie to be dressit for ending of the matter.

#### M.DC.X.

Thus, in the moneth of March, the Hight Commissioun wes proclaimed at Edinbrucht and utheris pairtis as followis :

<sup>1</sup> Adv. MSS. "deferred and stopped."

## THE TENNOUR OF THE HIGHT COMMISSIOUN.

“JAMES, be the grace of God, King of Great Brittain, France, and Ireland, Defender of the Faith: To our lovites, . . . . . messengeris in that pairt, conjunctlie and severallie speciallie constitut, greiting. Forsuameikle as complaint being maid to us in the behalfe of the Ministerie of this our kingdome, that the frequent advocatiounes purchessit be sic as wes ether erronious in Religion or scandelous in lyff, not only discouragit the Ministerie from censuring of utheris, but imboldnit the offenderis to continow in thair wickitnes, useing thair advocatiounis as a mein to delay and dissappoynt boith tryell and punischement: We, for eschewing this inconvenient, and that the number of trew professoris may be knawin to increas, and the Antichristian tyrannie and enemye, and his growth suppressit, and all sort of vyce and slanderous life punischit; and that neither seine iniquitie, nor delay of tryellis and punischement of offendouris, the least, be this subterfuge of discourageing of Ecclesiasticall censuris, to proceed on thingis sua meit and proper for thame, haiff, out of our awin duetie to God and love to his Kirk, being the heid nurishe-father of the same on earth, within our dominiounes, givin power and commissioun to the Reverent Father in God, our trest and weill-belovit couseing and counsellour, George Archbisschoppe of Saint Androis, Primat and Metropolitane of our kingdome; and unto our rycht trest couseing and counsellour, Alexander Erle of Dumfermelling, Lord Hicht Chancellor of this our kingdome; George Erle of Dumbair, Thesaurer; George Erle of Marschell, Johne Erle of Mar, Johne Erle of Montrose, Patrick Erle of Kinghorne; to the Rycht Reverent Fatheris in God, Alexander Bischop of Duncaldeen, Patrick Bischop of Aberdeen, Alexander Bischop of Murray, Andro Bischop of Brichin, David Bischop of Ross, George Bischop of Dumblain, Alexander Bischop of Caitnes, and James Bischop of Orknay; to our trustie cousine and counsellour . . . . ., Lord Lindsay, Simone Lord Fraser of Lovat, David Lord Scoone; and to our trustie and welbelovit counsellouris, Mr Johne Prestoune of Penniecuick, President of our



Colledge of Justice ; Sir Richart Cockburne of Clerkingtoun, knight, Lord Privie Seale ; Sir Alexander Hay, knycht, our Secretar ; Sir James Hay of Kingask, our Controller ; Sir Thomas<sup>1</sup> Hammiltoun of Binnie, knycht, our Advocat ; and to our lovitis, Sir David Carnegie of Kinnard, knycht, David Dundas of that [Ilk], Alexander Irving of Drum, William Ramsay of Balmaine, Mr Johne Arthure, Mr Thomas Hendersoun, Mr Adam<sup>2</sup> King, and Mr James Ballandain, Commissaris of Edinbruche ; Mr Johne Weemes, Commissar of Saint Androis ; Mr James Martine, Rector of the Universitie of Saint Androis ; Mr Robert Howie, Principal of the New College thair ; Mr David Moniepennie, Deane of Facultie, Mr Patrick Galloway, Mr Johne Hall, Pettir Edwart,<sup>3</sup> Mr Johne Nicolsone, Mr Robert Wilkie, Mr Johne Strachane, Mr Andro Leith, Mr Henrie Philip, Mr Andro Futhie, and Mr Patrick Lindsay, Ministeres ; or to ony fyve of thame, the said Archbisschop being allwayis one of them, within the hail boundis of the Province of Saint Androis : And to the Right Reverent Father in God, and our trusty and welbelovit cousigne and counsellor, Johne Archbisschop of Glasgow, Alexander Erle of Dumfermeling, George Erle of Dumbarr, Johne Erle of Cassilis, James Erle of Glencairne, Johne Erle of Wigtone, James Erle of Abircorne : And to the Reverent Father in God, Williame Bisschop of Galloway, Johne Bisschope of Argyl, Andro Bisschop of the Isles ; and to our trustie cousing and counsellour, Walter Lord of Blantyre ; and to our lovitis, Mr Johne Arthur, Mr Thomas Hendirsoun, Mr Adame King, [and] Mr James Ballandyne, Commissaris of Edinbruche, David Forsyth, Commissar of Glasgow ; James Halliday, Commissar of Drumfreis ; Mr John<sup>4</sup> Hammiltoun, Commissar of Hammiltoun ; Mr James Hammiltoun, Commissar of Lanricke ; Sir George Elphinstoun of Blythswood,<sup>5</sup> knight ; Mr Patricke Scharpe, Principall of the Colledge of Glasgow ; Mr Williame Birnie, Minister at Lanericke ; Mr Johne Hay, Parsoun of Ranthrow ;<sup>6</sup> Mr James

<sup>1</sup> Adv. MSS. "James." Thomas, afterwards President of the College of Justice, Earl of Melrose and Earl of Haddington. <sup>2</sup> Univ. MS. "David." <sup>3</sup> Adv. MSS. "Mr Patriok Stewart." <sup>4</sup> Univ. MS. "James." <sup>5</sup> *Ib.* "Sir James Hamilton of Eistwood." <sup>6</sup> Renfrew.

Hammiltoun, Deane of Glasgow ; Mr David Scharpe and Patrick Walkingshaw, Subdeanes of Glasgow ; Mr Thomas Ramsay, Minister at Drumfreis, Mr Johne Bell, Minister at Glasgow, and Mr Walter Stewart, Minister ; or ony fyve of thame, the said Archbisschop being allwayis one, within the hail boundis of the Province of Glasgow : To call befor thame, at all sic tymes and places as they sall think meit, any persoun or persounes dwelling and remaining within thir Provinces *respective* above writtin, Saint Androis or Glasgow, or within any of the diosies of the samyn, being offenderis either in lyff or religioun, quhom they hald any wayis to be scandalous ; and that they tak tryell of the same ; and iff they find thame guilty or impenitent, refussing to give thair acknowledgment of thair offence, thai sall give command to the Preicheris of that parochie quhair thai dwell, to proceed with sentence of executioun or excommunicatioun againes thame ; quhilk iff it be protractit or delayit, and thair command be that Minister be not presently obeyit, they sall than conveyin any sic Ministeris befor thame, and proceed in censuring of thame for thair dissobedience ether by suspensioun, or deprivation, or wairding, according as thai by thair discretioun, [hauling him obstinat and refussing of thair discretioun to haiff deservit ; and farder, to fyne at thair discretiounis,<sup>1</sup>] imprissoun or waird any sic persoun, quho being convenit befor thame, thai sall find upoun tryell to haiff deservit any such punischement ; and a warrand under the hand of any of the fyve above nameit, out of everie Province above writtin, [the said Archbisschope of the Province being one, sall serve for a sufficient command to our Capitanis and Constabillis of wairdis and castellis, and to all keiperis of jaylis and prissounes, ether in burght or land, within any Province *respective* above writtin,<sup>2</sup>] for ressaiving and deteineing of sic persounes as salbe directit to be keipit be thame, in sic forme as by the said warrand salbe preseryvit, as thai will answer upon the contrair at thair perrell, and upoun all hazardis ; and of all sic fynis as salbe imposit upon any sic offender,

<sup>1</sup> Omitted in Adv. MSS.<sup>2</sup> Omitted in Adv. MSS.

the ane halff to appertein to yourself, and the uthir halff to be imployit upoun sic necessar chairgis as our said Commissiouneris salbe sortit unto, be chairgeing of pairties and witnessis to compeir befor thame, and the superplus to be bestowit at the sight of the saidis Commissiouneris by distributioun among the poore : Commanding our Lords of our Privie Counsel, upon sight of any certificat subscrivrit be any fyve of the saidis Commissiouneris within everie Province, as said is, the said Archbisschop of the Province being ane, aither of any fyne imposit be thame upon any pairtie compeirand and found guiltie, or the contumacie or refusall of any to compeir befor thame, that the saidis Lordis of our Privie Counsel direct ane summar chairge of horning on ten dayis onlie, and that no suspensioun nor relaxatioun be grantit, without first ane testimoniall under the hand of the Archbisschop of the Province, conteineing the obedience and satisfacioun of the pairtie chairgit, be producit ; and in cais of dissobedience and further rebelling of the pairtie quho salbe chairgit for his fyne and not compeirance, the saidis Lordis of our Counsel are than to prosecut the maist strait order, for any uther caus quhatever useit againes rebellis : With power to our saidis Commissiouneris to proceid heirin, as also to tak tryell of all sic persounes that hes maid defectioun or are suspect in Religioun ; and, as thai find any just caus againes thame, to proceid in maner foirsaid ; and alsoe quhatsoever thai shall lairne or understand of any Ministeris, Preicheris, or Teicheris of Scoolls or Colledgis, or Universities, or of Exhorteris or Lectureris being Readeris within thais boundis, quhois speiches in publict had bein impertinent, and againes the present Estabilischit order of the Kirk againes any of the conclusiounes of the bypast Generall Assemblie, or in favour of any of thais quho are banischit, wairdit, or confynit, for thair contemptuous offences, quhilk being no matter of doctrin, and so meikle idill time spent without instructioun of thair auditors in thair salvatioun, aucht so meikle the moire to be seveirlic punischit ; and in regard that thai are Ministeris quho of all utheris sould spend least idill<sup>1</sup> talk, and speciallie in the Chyre of Veritie ;<sup>2</sup>

<sup>1</sup> Adv. MSS. "their jollie."

<sup>2</sup> The pulpit.

and, thairfoir, efter the calling of thame befor the saidis Commissiouneris, they are to be tryit and questiounit upoun the poyntis of that quhilk is laid againes thame, and punischit according to the qualitie of thair offence: And quhairas complaint salbe maid to thame be any pairtie that salbe conveynit befor any Ecclesiasticall Judicator for any such crymes as he salbe thair suspectit of, or that the pairtie dois alledge allwayis the matter it selff to be improper to that Judicator, or the proceedingis to haif bein informall, or that the Judicator it selff hes bein too partiall; and quhen the Commissiouneris sall sie any just caus, thai ar then to tak tryall and cognitioun thairroff tham selffis, We dischaarge the said Judicatorie of all further proceedings: Giving power also to our said Commissiouneris to mak chuse of Clerk, and making of utheris Memberis of Court, and to direct out preceptis in the name of the Archbisschop, and his associatis within his Province, for citatioun of any pairties befor thame, within the boundis of the saidis Provinces, in any of the said caussis above mentiounit; quhilk preceptis aught to be seillit with a speciall seall, conteneing the armes of the saidis Bischoprickis; giving power also to chaarge witnesses to compeir befor thame, under the paine of fourtie poundis Scottis money; and upon the certificatioun of the saidis Commissiouneris, that any of the saidis penalties are incurrit be thame, the said Lordis of our Counsel are to direct the lyk chaarge for payment of the samen as is appoyntit for payment of the fynis of the saidis Commissiouneris past our Great Seale, containeing diverse heidis, articles, and claussees and conditiounes, and beiring daitt at our Court at Roustoun, the 20 day of January last, as at lenth is conteinit: Quhairroff necessar it is that publicatioun be maid to all our leiges, that none pretend ignorance heirof. Our Will is heirfor, and we chaarge yow straitlie, and commandis, that incontinent thir our Letteris sein, ye pas to the heid burghtis within the Provincis above writtin, and thair by oppin proclamatioun that ye mak publicatioun of the premissis, that none pretend ignorance: As also, that ye, in our name and auctoritie, command and chaarge all our leigis and subjectis to reverence and obey our saidis Commissiouneris in all and every thing

tending to the executioun of this our Commissioun; and to doe nothing to thair hinder or prejudice, as thai, and ilk ane of thame, wilbe answerabill to us and our Counsell, upon thair obedience, at thair hiest paine, chaarge, and perrell : The quhilk to doe, &c. Givin under our Signett at Edinbruche, the 15 of Februar, and of our reigne the 47 year, 1610.

*“ Per Actum Secreti Concilii.”*

The Commissioun and the executioun thairoff, as it exaltit the Bisschopis far above any Prelatt that ever wes in Scotland, so it put the King in possessioun of that quhilk a long tyme he had desyrit and huntit for, to witt, of The Royall Prerogative, and absolut powar to use thair bodies and guidis of thair subjectis at pleasure, without forme or proces of the commoun law, even than quhen the bodie of the realme of England wes in thair Parliament compleineing of the justice and injurie thairoff, and seiking redresse, so that our Bisschopis wes fittit in instrumentis of overthrow of the fridome and libertie, boith of the Kirk and realme of Scotland, as it wes then, be all that had tongues and wittis takin up and talkit.

About the end of the moneth of May, the Erle of Dumbar come from England with auctoritie, and thrie Englisch Doctoris, viz. Hamptoun, Myritoun, and Hudistoun. Then the Presbytries ressavit thair Lettres, accompaneit with the Lettres and seallis of the Bisschopis, to witt, Archiebisschopis, craveing and commanding such and such, be name, to be sent to Glasgow with unlimitit Commissiouneris ; and thai nominat and dressit long befor be the Bisschopis, and callit be the particular the Kingis Missives, wer in reddines to goe, either with the Commissioun or without Commissioun : So, at one instant, the word went ; and within ten dayes wes apoyntit a Generall Assembly to be hauldin at Glasgow ; but no man so much as dreamit of sic effect as at ane stollin dint, in ane day, to overthrow ane work seventie yeiris in building, and above 24 yeiris spacious and most profitabill standing. That Assemblie did conclud and determine as followis ;

[*Sess. 3tia, nono Junij, post meridiem.*]

THE GENERALL ASSEMBLIE HAULDIN AT GLASGOW THE 8 OF JUNE 1610, CONCLUDIT THAIRS HEIDIS AND ARTICLES, CONCERNEING THE DISCIPLIN OF THE KIRK, TO BE OBSERVIT IN ALL TYMIS COMEING.

"In the first, It is declarit, that the alledgit Assemblie, hauldin at Aberdein, is null<sup>1</sup> in it selff, specially in respect it had not his Majestie's warrand,<sup>2</sup> and wes dischairgit by his Majestie's Commis-siouneris; and becaus that the necessitie of the Kirk craves, that for order taking with the commoun enimies, and uthir effairis of the Kirk, that thair salbe yeirly ane Generall Assembly, the Judicatorie<sup>3</sup> quhair of the Assemblie acknowledgis to appertein to his Majestie be the Prerogative of his Royall Croune; and, thairfor, the Generall Assembly most humbly requistis that Generall Assemblies may be hauldin once in the yeir; or at leist, in respect of the necessitie foirsaid, that his Majestie would appoynt a certaine tyme at the quhilk the same salbe hauldin in all tymes cumming preceisely.

"*Item*, It is thought expedient that the Bisschoppis salbe Moderatoris in every Diocesian Synod, and that the Synod sall hald tuyse in the yeir of the Kirk of everie Diosie, to witt, in Apryll and October; and quhair the Diosie is lairge, that thair be tuo or thrie Synodis in convenient places, for eis of the Ministeris.

"*Item*, That no sentence of Excommunicatioun, or Absolutioun thair of, be pronunceit againes or in favouris of onie persoune, without the knowlege and approbatioun of the Bisschope of the Diosie, quho must be answerabill to his Majestie for all formall and impartiall proceeding thairin; and the proces being found formall, the sentence to be pronunceit at the directione of the Bisschopis be the Minister of the parochie quhair the offender dwellis, and the proces begunne; and in cais the Bisschop salbe found to haiff stayit the pronouncing of the sentence againes any persoune that hes

<sup>1</sup> Adv. MSS. "wes unjust."

<sup>2</sup> *Ib.* "allowance."

<sup>3</sup> *Ib.* "injunctione,"

merit<sup>1</sup> the same, and quhen the proces hes bein lawfullie deduceit, the same being tryit and convictit in the Generall Assemblie; thaireftir that advertisement salbe maid to his Majestie, to the effect that ane uther may be placeit in his rowme.

“*Item*, That all presentatiounes heirefter be directit to the Bisschop, and upon a presentatioune givin, or utherwayis sute<sup>2</sup> maid be any to be admittit to the Ministerie, the Minister is to require the Ministerie of that boundes quhair he is to serve, to certifie be thair certificat to him, the pairtie suitter his conversatioune past, abilitie and qualificatioune for the functioun; and upon the returne of thair testificatioune the Bisschop is to tak further tryell; and, finding him qualifeit, and being assistit be sume of the Ministeris of thais boundis quhair he is to serve, as he will assume to himself, and, as he wilbe answerabill, to perfyt the hail act of ordination.

“*Item*, In the depositioun of Ministeris, the Bisschop associating to himself the Ministerie of the boundis quhair the delinquent servit, he is then to tak tryell of his flock; and, upoun just caus found, to deprive him.

“*Item*, That everie Minister at his admissioun sall sweir obedience to his Majestie and Ordinar, according to the forme sett doun in the Conference, keipit in the yeir of God 1571, quhairof the tennour followis :

‘ THE FORME OF AITHE<sup>3</sup> TO BE GIVIN BE THE PERSONE PROVYDIT TO ANE BENEFICE, WITH CURE, THE TYME OF HIS ADMISSION BE THE ORDINAR.

“ I, A. B., being now nominat and admittit to the Church of D., intirely testifies and declaires, in my conscience, that the rycht hight, excellent, and mychtie Prince, James, be the grace of God, King of Scottis, is the only lawfull Supreme Governour of this realme, alseweill in thingis temporall as in conservatioune and preservatione of Religioun, and purgatioune thairof; and that no forraigne Prince, Prelat, or Pope, State, or Potentat, haiff or aught to

<sup>1</sup> Merited.

<sup>2</sup> Suit.

<sup>3</sup> Oath.

haiff any superioritie, jurisdiction, power, preheminencie, or auctoritie, Ecclesiasticall or Spirituall, within this realme : And, thairfoir, I renunce utterly and forsake all forraigne jurisdiction, poweris, superiorities, and auctorities, and promisses that I will, from this [time] furth, endeavour, and will beir faithfull and true obedience to his Hienes, and his aires, and lawfull successouris ; and to my power sall assist and defend all jurisdictiones, priviledges, and preheminencies, accessories, or unitteit and annexit to his Royal Croun : And further, I acknowledge and confesse to haif and hauld the said C., and all possessiounes of the same, under God, only of his Majestie and Croun Royall of this realme ; and for the saidis possessiounes I doe homage presentlie to his Hienes, in your presens, and to his Majestie's aires and lawfull successouris salbe true : So helpe me God.'

" *Item*, The Visitatione of the Diosie is to be done be the Bisschop be him self ; and, if the boundis salbe greater nor he can overtake, he is then to make speciall choyse, and to appoynt sume worthie man to be Visitor in his place ; and quhatever Minister, without just caus and lawfull excuis, salbe absent from the Visitatione of the Diosesian Assemblie, he salbe suspendit from his office and benefice, and, if he amend not, he salbe deprivit.

" *Item*, Excercise of Doctrin is to be continewit oukely<sup>1</sup> among Ministeres at the tymes of thair awin accustomeit meittingis, and to be moderatit by the Bisschop iff he be present, or then be any uther that salbe appoyntit<sup>2</sup> at the tymes of the Synod.

" *Item*, The Bisschop salbe subject, in all thingis concerneing thair lyff, conversatioune, office, and benefice, to the censur of the Generall Assemblie ; and, being found culpabill, be his Majestie's advyse and consent to be depryvit.

" *Item*, That no Bisschop be electit bot quho hes past the aige of fourtie yeiris compleit, and quho hes bein ane actuall teiching Minister be the space of ten yeiris at the leist.

" Quhilk haill Articles, being diverse tymes red in the face of the haill Assemblie, voiting efter the same, wer ratifieit and ap-

<sup>1</sup> Weekly.

<sup>2</sup> Adv. MSS. "he shall appoynt."



provit, and concludit be the haill Assemblie, and ordainit to be observit in all tymes cuming.

[*Sess. 4ta, undecimo Junij, ante meridiem.*<sup>1</sup>

“The said day, the Earle of Dumbar, one of his Majestie’s Commissioners, being presently of intention, to have caused instantly discharge all Presbyteriall meetings by open Proclamation at the market crosse of Glasgow; and that because he had received a special warrant and command from his Majestie to that effect, which he on no wayes would nor durst disobey; the whole Assembly most earnestly interceed with his Lordship, that it might please his Lordship to continue the making of the said Proclamation, and discharge of the Presbyteries contained in the said Letter, for a certain space; that, in the mean time, his Majestie might be certiorat of the proceedings of this present Assembly, which they doubted not would give his Majestie full satisfaction in that part: Unto the which request, these of the Nobilitie, being presently convened by his Majestie’s direction in the said Assembly, did concurre, and interpon their request to that same effect. Whereunto the said Earle of Dumbar having acquiesced upon special offer made by the Noblemen convened, that they would interceed at his Majestie’s hands, that he should be blameless for the said delay; for the which, the Assembly did give his Lordship most heartie thanks; and therefore ordained a Letter to be directed, in name of the whole Assembly, containing a most humble Supplication, that it might please his Majestie of his gracious favour to accept of the proceedings of this present Assembly, in the matter of the Discipline of the Kirk, whereunto they had condescended for satisfaction of his Majestie’s good will, contained in his Highness’ Letter; and in respect thereof, that it might stand with his Majestie’s good pleasure and will to superseed all further discharge of the said Presbyteries.

“Anent the Supplication given in name of George Marquess of Huntlie, &c., bearing in effect, that after long conference and rea-

<sup>1</sup> This portion of the proceedings (from this page to p. 799) has been supplied from *Cald. Hist.* folio edit. It is omitted in all the MSS. of the Supplement to Melvill’s Diary

soning had in the controverted heeds of Religion, betwixt his Lordship and certain of the Ministry deputed to that effect, he was fully resolved in all doubts and difficulties that might arise therein, or trouble him in any sort; in token whereof, he hath subscribed the whole Heeds and Articles of the Religion presently professed within this realme; which were presented with the said Supplication: And, therefore, desiring that a commission may be directed from this present Assembly, giving power to such Commissioners as they should appoint to absolve him from the sentence of Excommunication, in respect of his satisfaction foresaid; as at more length is contained in the said Supplication. Therefore, the Earle of Dumbar, his Majestie's Commissioner, having declared, in his Majestie's name, his Highness' minde anent the absolution of the Marquess of Huntlie from the sentence of Excommunication; and in special, that it should be tried if his Lordship was fully, in heart and conscience, resolved and satisfied in the heeds of Religion, as he had subscribed the same with his hand, to the intent that thereafter he might be absolved from the said sentence of Excommunication.

“The General Assembly, being ripely advised with the said Supplication, and his Majestie's minde declared by his Highness' Commissioner thereanent, Giveth, granteth, and committeth their full Commission to the persons after specified, the Archbishops of St Andrews and Glasgow, the Bishops of Orkney, Galloway, Brechin, Mr John Hall, Mr Patrick Simpstone, Mr William Couper, Mr Patrick Sharpe, and Mr Andrew Leitch; with power to them to passe with his Majestie's Commissioners, and the Earles of Montrose, Glencarne, Cathness, Linlithgow, Kinghorne, Wigtoun, and Lothian, to the Castle of Stirling, where the said Marquess is presently confined, and there to try the said Marquess his intention and resolution, in the Heeds and Articles of the Religion; and if he be fully satisfied thereanent in his heart and conscience, as he hath outwardly professed the same, subscribed with his hand; and in case they finde him fully resolved, and of inward intention to give full satisfaction in all the points and heeds of Religion controverted, and to avow, and constantly to confesse and professe,

the true Religion that is presently professed publickly within this realme, in that case, they give full power and commission to the said Brethren, with Mr John Hay, Mr John Mitchel, Mr Robert Cornwal, and Mr Patrick Lindsey, or any nine of them, (the Archbishops of St Andrews and Glasgow being alwayes two,) to absolve him from the processe and sentence of Excommunication.

“ *Item*, It was humbly regrated in the Assembly, that notwithstanding of many lovable acts and constitutions, as well Ecclesiasticall as Civil, alreadie made and enacted for repressing the disorder and insolence of professed and excommunicat Papists; yet nevertheless they do still remain in their former obstinacie and disobedience; proceeding doubtlesse upon the impunitie which they do enjoy, and oversight whereby they are suffered to have free passage and accesse in all parts of the countrey, as if they wer not excommunicat: For remedie whereof, it is ordained, that every one of the Commissioners present give in roll to the Clerk of the Assembly all the persons that are excommunicat within their bounds, that the same being presented by him to my Lord Commissioner, his Lordship may cause the Secret Councel take order with them, according to the lawes of the countrey.

“ And because it is not unknown to the King's Majestie, what manifold treasonable practices and attempts are, from time to time, devised against his Majestie and his Royal Estate by the Papists, and professed enemies to the truth, therefore, the Assembly hath thought good that a Supplication should be directed to his Majestie in name of the whole Assembly, to put his Majestie in remembrance of his own estate and danger, whereunto his Majestie is subject through the cruel and craftie treason daily forged and contrived against his state and person, by the Papists, Jesuits, and Seminarie Priests, enemies to God and the true Religion, and to his Majestie, because his Highness is a special maintainer of the same against their false and erroneous doctrines; that, therefore, it would please his Majestie to have such regard to his own estate, and preservation of his most sacred person from their bloudie devices, that by debarring of them and their favourers from his Majestie's presence,

his Majestie, by the grace and protection of God Almighty, may be preserved in safety, to the advancement of the glorie of God, establishing of the true peace of his Kirk within his Majestie's dominions, and comfort and tranquillitie of his Highness' subjects, whose wealth and prosperitie in this earth, under God, they acknowledge to consist in his Majestie's preservation."]

[*Sess. 5ta, Junii 11, post meridiem.*]

"Forsuameikle as in this present Generall Assembly it wes allredie statut and ordainit, that the Excerceis salbe moderatit be the Bisschop in the meittingis of the Ministeris, if they be present, or then by any uther quhom he sall appoynt at the tyme of the Synod; and becaus the nixt Synod is not to be hauldin befor the moneth of October nixtocum, heirfoir, it is ordainit that, in absence of the Bisschop, the Constant Moderatoris sall remaine in thair place quhill the nixt Synod to be hauldine in October nixtocume.

"*Item*, Becaus it is uncivill that lawis and constitutiones, either Civill or Ecclesiasticall, being once establischt and in force, by opin and publict consent, sould be controllit or callit in question be any persoune; thairfoir, it is statut and ordainit, be uniforme consent of this haill Assemblie, that none of the Ministerie that ethir in pulpit in his preicheing, or in his publict excercises, speik or reasounne againes the present act of this Assemblie, or dissobey the same, under the paine of deprivatione, being tryit and convictit thairoff; and speciallie, that the questioune of equalitie and inequalitye in the Kirk be not tryit in pulpit, under the same paine; and that everie one of the Commissiouneris present intimat the act in the first meitting at the first excercise.

"Extractit furth out of the Buikis of the Generall Assemblie be me,

(*Sic subscribitur*)

"MR THOMAS NICOLSOUN,  
" *Commissiouner of Abirdeine, Clerk, Keiper,*  
" *and Extracter heiroff*"

It is not to be omittit that Mr Petir Prymrose, with the haill

Presbytrie of Air,<sup>1</sup> perceiving befor hand the dint and terribil straik intendit, came with premeditat and resolvit purpose to protest againes it, and began in publict to doe the same, but wes interrupted, and referrit to the Privie Conferrence, quhair, pairtlie be minassing auctoritie, and pairtlie be cunning pollicie, they wer brockin and abateit.

The maner of thair proceeding in that Assemblie ye sall understand by this letter following :

[LETTER AS TO THE PROCEEDINGS OF THE ASSEMBLY AT GLASGOW,  
8 MAY 1610.]

"I doubt not bot yow ar sufficientlie informit of the proceedingis at Glasgow; but for my duetie, in a word, all that thai haif bein contending for and suffering thais maney yeiris, in that ane act is undone. The meitting wes frequent of Nobillmen, Knychtis, and Counsellers, wryttin for, and dressit for the purpose, and quho all voitit, albeit it stood not upoun thair voitis; for thair wes only fyve contrary voitis in the haill Assemblie. It began with fasting on Tuysday,<sup>2</sup> quhairupoun thair wes thrie sermonis. The Bisschop of Glasgow, in the morneing, upon 'I wald haiff curit Babell,' &c. His principall discours wes againes sacrielegious persounes, slanting at the late Patrounages. In end, he had his speiche: 'Yow look,' sayis he, 'that I sould speik sumething of the purpose that this Assemblie is conveynit for: I will say no moir but this, that Religionne must not be intertaineit after the manner it wes brought into the land. It wes brought in be confusioun—it must be intertaineit be order: It wes brought in the land againes auctoritie—it must be intertaineit by auctoritie'

"Bisshop Law followit at ten houris, quhois discours wes upon peace; and thairefter schew that the peace behovit to be with veritie, or else better no peace; and upon that came to the ques-

<sup>1</sup> Adv. MSS. "whole Ministers of the Presbyteries in the West."

<sup>2</sup> *Ib.* "Thursday."

tioune, Quhither the Governement of the Kirk aught to be by Ministeris of equall power, or by ane sett over the rest, yea or not? He passit over *jus divinum*, and tuik him to prove thair lawfulness out of antiquitie, of the ane above the rest; and all com to thrie, antiquitie, universalitie, and perpetuities, (Papisticall argumentis!) casting in thairwithall, to mak it the moir plausibill, sune wrestit sentences out of Calvine and Junius: And so concludit the verity of the questioune for Episcopall Governement with a solemne oath and protestatioun of his conscience in that matter; little remembring quhat he had preicheit solemnelie at Synodis concerneing that matter, and quhat they had sworne and subscrivit befor the Bischoprick movit his conscience! Eftirnoone came the litle English Chaplaine, Hudstone, all upoun the same groundis, in his cunnit<sup>1</sup> and cuttit maner.

"The principall Articles concludit were, First, The Generall Assemblie of Aberdeine condemnit: 2. The hail power of Visitatioune of Kirks, of Excommunicatioune, of Admitting and Deposeing of Ministeres, to be in the handis of Bischopis; everie ane within thair awin Diosie, and sua maney as thai pleis to joyne thame, tuisse in the yeir: Diocesiane meittingis to be tuisse in the yeir: Generall Assemblies to be none, except as the King sall think meitt to appoynt. Iff the Bisschop doe amiss in the power committit to him, it salbe lawfull to the Ministeris to complein againes him to the Generall Assemblie, quhilk sall tak order with him according to the Kingis advyce, as salbe qualiefeit againes him: No Minister to be admittit befor he haiff sworne his alledgeance to the King, and his obedience to the Bisschopis, as thair Ordinar, *in omnibus licitis et Canoniciis*: No Minister, either privatlie or publictly, to speik any thing againes the conclusiounes of this Assemblie, namely, of the equalitie or inequality of the Ministeris, under the paine of depositione.

"Thair wes meikle adoe anent the dischaarge of the Presbyteries, for the quhilk the Erle of Dumbar alledgit he had a Commissioun

<sup>1</sup> Conned.

expressely, sic as he behovit to put in executioun to dischaige thame *simpliciter* ; yit it resolvit verie craftilie in this, that the number assemblit sould wrytt thair proceedingis to his Majestie, and subscrieve the samen ; and then mak suitis to his Majestie, that the Presbytries may be permittit to stand ; howbeit, in effect, thai wer also weill away as to stand as cipheris only, and no moir to be acknowledged be the name of Presbytries, but to be called ' The Meitting of the Britherin upoun the Excercise ; ' and so it pleissis the Bisschopis to style thame in thair wryttingis and meittingis.

" Thir wer the principall heidis concludit. All passit efter the maner of the Privie Conference, and that, as the Moderator, Glasgow, alledgit in the oppin Assemblie, without any contradictioun, except tuo Brither quhom he would not name ; quhilk wer thought to be Mr Johne Hall and Mr Williame Cowper. Thair wes lairge money distributit to the Ministeris that did the turne, under prentence of beiring thair chairges ; not without sume malecontentment and contentioun in pairting thair pelfe-deilling. Thus ye sie how our matteris gois, and quhat neid we haiff of wisdome, constancie, and courage ; quhilk Chryst, quhois caus it is, must work in the heartis of his faithfull servantis. Amen."

As the Nobilitie, Bischopis, and Ministeris, returnit from this Assemblie, in a great and solemne audience, at Stirling, Mr Patrick Simpsoun layit thair perjurie and defection so clearlie and fairlie to thair conscience, in his sermone, that the Bisschopis wist not quhat to doe, quhither to accuse or comport ;<sup>1</sup> their patience prevailit. In lyk maner, comeing to Edinbruche, Mr Walter Balcanquell did the same ; quho wes thairfor callit befor the Counsell, quhair, *coram*,<sup>2</sup> he convictit Bisschop Law of apostacie and perjurie, so that he had not to answer ; and yet escaipit with simple admonitioun. Mr Patrick Galloway glanceit verie neir the matter, in his first sermone maid thairefter at Edinbruche, but ever thairwith, according to his fashoun, flattering the King. Also a merchant in

<sup>1</sup> Adv. MSS. " to excuse or conceal that to doe." Council.

<sup>2</sup> In presence of the whole

Edinbruche, nameit Mr Williame Kempe, being, for his privie speiches againes the proceedingis of that Assemblie, wes callit before the Counsell, did thair speik verie plainelie, saying, "Of a truth, thai of that Assemblie wer unhonest and perjurit : Unhonest, for that sending Commissiouneris from thair Presbytrie to keip the Generall Assemblie at Aberdeine, they had first sufferit thais Commissiouneris to be maist shamefully usit and punischit; and now had condemnit that Assemblie, and thair Britherin's proceedingis thairin, they never being tryit nor heard befor any Assemblie or Judicatorie of the Kirk : Perjurit, for that quhilk thai had sworne and subscrivit unto solemnelie, and maid even all thair flockis solemnelie to subscribe, and sweir that quhilk they had preichit and professit be thame, and practisit twentie yearis bygaine; haiff now, sitting downe in one day of this Assemblie at Glasgow, overturnit and condemnit with so feirfull a sclander and stumbling-block to all the people, that they haiff not the warrant of thair faith, utherwayis then by thair preiching, ar casten downe, or in dout quhat to think of all faith<sup>1</sup> and religioun, preichit and professit be thame, since thair entrie in the Ministerie!" The Counsell would haiff givin out a rigourous sentence againes him, but Glasgow interceidit for him, and said that would do no guid, but rather hurt nor forder<sup>2</sup> the Kingis caus and purpose; for severitie, in that matter so fresche, wald concitat and stirr up more, and mak thame too much adoe: And so, efter a few dayis imprissounement, he wes admonischit and lett goe. And thairon, immediatly, a terribill proclamatione wes maid, that none sould speik againes the proceedingis of that Assemblie.

Soone thairefter, Glasgow and Brechine tuik journey to Court, to report and get thankis, and Galloway followit efter; quho all thrie wer keipit to the monethe of November, at quhat tyme the English Parliament satt down at Westminster; and thane, be a speciall Commissioun from the King to the Bisschop of Londoun for that effect, the Archbisschop of Glasgow and the uther tuo wer solemnelie inaugurat and consecrat with annonyting of oyle and

<sup>1</sup> Adv. MSS. "pietie."

<sup>2</sup> Than further.



uther ceremonies, just according to the Inglish faschioun and Pontificall Papistis. Quho, thairefter, returneing to Scotland in the moneth of December, they did to the Archbisschop of Saint Androis, at Saint Androis, as thai wer done at Lambeth, all as neir as thai could possi billie imitat.<sup>1</sup>

And now, in conclusioun of this Historie, it is remarkabill how soone thairefter the great Judge of this world callit the two cheiff instrumentis of the overthrow of Discipline of the Kirk of Scotland to thair accompt and judgment; for Richard Bancroft, Archbisschop of Canterberrie, quho, att the funerall sermoun maid by Abbotis, Bisschop of Londoun, had the commendatioun of the overthrowing of the Presbyteries of the Kirk of Scotland, was himself feirfullie overthrowin by feirfull and terribill tormentis and desperat death at Lambeth, in that same moneth of November, at the verie tyme of the Scottis Bisschopis inauguratioun: And in the moneth of February thaireftir immediatlie following,<sup>2</sup> the Erle of Dumbar was by death pluckit from the height of his honour and credit at Court, evin quhen he wes most cairfull to haiff had a great building compleitt at Berwick; for he had promiseit to celebrat Saint George day thair, and quhen he wes about solemnizeing his daughter's marriage most magnificlie with the Lord Walden, eldest sonne to the Erle of Suffolk, Lord Hight Chamberlane, with all thair spectaculis, honnouris, and merriementis, that the favour off the King, Court, and Nobillis could affoord, he wes faine to tak him to his deathis-bed, and forcit to give up the ghost. And thus was Jericho buildit up againe, in Scotland, as also the curs execut upoun the builderis.

<sup>1</sup> The rest of the Scottish Bishops were afterwards formally re-inaugurated and consecrated at St Andrews, as appears from the following passage:— "And thereafter the two Archbishops consecrat them Bischops, ay as they wer nominat be the King, and agried unto be the rest; first quietlie, but afterward verie solemnlie, as their state grew and wer favoured by their Prince."—*Row's Historie*, Maitland Club's Edit. i. 98.

<sup>2</sup> He died at Whitehall, 30th Jan. 1611.—*Calderwood's Hist.* folio edit. p. 644.

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